

Approved June 29, 2005



**MINUTES
SCOTTSCOTTSDALE PLANNING COMMISSION
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
JUNE 8, 2005
VERBATIM MINUTES**

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Eric Hess, Commissioner
Jeffrey Schwartz, Commissioner
Steven Steinke, Commissioner

STAFF: Donna Bronski
Tim Curtis
Randy Grant
Kurt Jones
Paul Porell
Al Ward

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:08 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

MINUTES APPROVAL

April 13, 2005 and May 25, 2005

**COMMISSIONER SCHWARTZ MOVED TO APPROVE THE MINUTES OF
THE APRIL 13, 2005 AND MAY 25, 2005 PLANNING COMMISSION**

MEETINGS. SECONDED BY COMMISSIONER HESS. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

Chairman Gulino noted that Mr. Klaus Liebke had submitted a comment card on 6-ZN-2005 and confirmed that he did not wish to speak.

COMMISSIONER HEITEL MOVED TO APPROVE 6-UP-2005, 6-ZN-2005 PLUS THE REVISED STIPULATIONS, AND 7-ZN-2005. SECONDED BY COMMISSIONER BARNETT. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

7-UP-2004 (SONRISE COMMUNITY CHURCH)

CHAIRMAN GULINO: All right. Now we'll move into our last case, which I believe is why most people are here tonight; case 7-UP-2004. And through previous discussions, what we're going to do tonight is, just so you all understand, staff's going to make a presentation and then the Applicant will be allowed to make a presentation. And then we're going to split it up into pro and con and limit the public testimony to 30 minutes each. And pursuant to our previous discussion, it sounds like everybody feels they can work within that time frame. I do have cards here, maybe about eight or nine cards from folks that want to speak in favor of the case.

And I want to just check in on something relative to the folks that want to speak in opposition. I've got six names here and I'm going to call those off. If there's anybody else outside of those names that would care to speak tonight, I'd like you to let me know, please. I've got Graham Kettle, Howard Meyers, Fred Wechsler I believe, Linda Whitehead, Jim Stress, Bob Vairo, and I also have Tony Nelson. Is there anyone else that I didn't call that wants to speak in opposition of this case tonight for the Sonrise School?

No? Okay, great, thank you. And I just got a whole new slew of cards, so we'll sort through those. In the meantime why don't we go ahead and get started with our staff presentation.

RANDY GRANT: Thank you, Mr. Chairman, members of the Planning Commission. Randy Grant, Chief Planning Officer with Planning Development Services. I'd like to go through as briefly as I can a presentation to show the staff analysis. We have included in case 7-UP-87, the report, four components. First I'll go through briefly the Applicant's request. Then there's been some questions about the relationship of this request to existing City policies and ordinances. Third we'll talk a little bit about neighborhood involvement that you'll hear much more about later in the evening, and finally the issues and analysis.

The request is for a use permit for a private or charter school. It's located south of the southeast corner of Dixileta and Scottsdale Road. It's a nine-acre parcel. Previously, last

September, you heard a case that was for this parcel with a site plan that was recommended for denial. Since that time, the Applicant has gone back and made site plan modifications and wants to present a revised site plan this evening. Just for context, the site is outlined in yellow. Dixileta is to the north. Scottsdale Road is immediately to the west.

This is a little closer up view of the existing site plan with the parking lot on the north side of the building. The sanctuary is in the southern part. Again showing access off of Scottsdale Road, vacant parcel to the north, existing church to the south. To the east is single-family large lot residential. This property is zoned R-170, or 70,000 square feet per lot, two-acre lots, and this property is 9 acres in size.

The proposal would include pre-school through 8th grade. Could also go to grade 12 with a 200-student maximum. No more than 200 students enrolled at any one time. So we've had questions in the past about what does a 200-student maximum mean? It's not the number of student that are on campus at any one time. It's the number of students that are enrolled at any one time. So we would expect that the on-site attendance would be somewhat less than that. It would be contained in 10 classrooms. The Applicant is also proposing a multi-purpose gym facility, a new office building, a playground on the north side of the facility, and 264 total parking spaces, 256 of those being required spaces, the remainder being additional.

To talk for a few minutes about conformance with existing ordinances and policies, the broadest of the City policies is the General Plan. The General Plan is designed to provide a vision framework for other policies to implement the City's vision. It's a statement for future growth and for what the community wants to be at a future time and it provides an overall vision statement, while allowing underlying zoning and other types of policies and ordinances to implement that vision.

The zoning ordinance also applies here with a base district of R-170, minimum of 70,000 square feet per lot. In the R-1 districts a church is allowed by right as a private school is allowed by conditional use permit. There are also specific use permit criteria that are directly related to schools contained in the zoning ordinance, so private schools all have to meet certain criteria. And those criteria are listed here. The code is interested in whether or not the proposed use is going near an adult use, to make sure that there's enough property available for the capacity of the school so a minimum acreage in size of 2 acres. Floor area ratio of under .2. No outside speakers or bells. No sports field lighting, minimum setback to property lines, no activities outdoor after 8:00 p.m. Student drop-off area must accommodate a minimum of five cars. Building elevations, as always, are subject to Development Review Board approval and the circulation plan that is submitted with the Use Permit application has to identify student drop-off, parking and driveways too, in order for the analysis of whether or not the application meets traffic safety requirements.

Next is the Environmentally Sensitive Lands Ordinance. So we have the General Plan, the Zoning Ordinance that prescribes the base districts. One of the overlay districts in the

Zoning Ordinance is the Environmentally Sensitive Lands District. This is an overlay over the base district that prescribes some development standards that are a little bit different than the base ordinance, so that within the Environmentally Sensitive Lands Ordinance, which is 134 square miles, generally north of the power lines, that development standards can be tailored to the condition of the land in particular. There is in ELO a requirement for natural area open space dedication. The development standards are designed to preserve as much as possible the character of the desert. However, the ESLO is an overlay and it's specific in the overlay that the uses allowed in the underlying district are allowed in the overlay as well.

Foothills Overlay is another overlay over this property. The Foothills Overlay is over 10 square miles around this site. It establishes some additional development standards in addition to the base and to the Environmentally Sensitive Lands Ordinance. At the time that they were approved, these standards were more restrictive than either the base ordinance or ESLO. ESLO has been brought into conformance with Foothills in some respects since then. The development standards deal with things like building height, lot coverage, setbacks, accessory buildings, maximum coverage on the lot, wall locations, and so forth. The Foothills Overlay is also designed, as is the ESLO, to promote a preservation of the desert character. Like ESLO, Foothills Overlay is an overlay district and is very specific in relating that any use permitted by the conditional use permit in the underlying zoning district is also allowed in the Foothills Overlay.

Neighborhood involvement. There have been a number of formal open houses and a lot of informal meetings. The formal neighborhood open houses were on March 17th and April 6th of 2004 and April 14th of 2005, related to the previous site plan and to the revised site plan. A number of concerns were expressed by the neighbors, both at those meetings and at the Planning Commission hearing last year. Those included traffic levels, the amount of traffic being generated and the turning movements out of the site, drainage and storm water runoff concerns, desert and neighborhood impact, conformity with the Environmentally Sensitive Lands Ordinance and the Foothills Overlay, the building design and the ability of the building as was designed at the time and the massing that was related on the site plan to blend with the natural environment. Outside activity out of the multi-purpose gym, particularly the play area and any type of activities that might occur after the normal hours of operation. Noise, lighting, and trespassing were also concerns and finally, the cumulative impact of multiple private schools in the area.

Staff has received letters that both support and oppose the project, both previous to the application last year and to the application as it's been revised. We have a petition with 500, more than 500 names in opposition and a petition with 1400 names in support, with 700 of those being Scottsdale residents. At a recent open house, the neighbors expressed concerns again about access, use, suitability and so forth, getting back to many of the same concerns that were with the previous site plan last year.

This is a side-by-side comparison of the original site plan as heard last September on the top, and the revised site plan as it's being presented to you this evening on the bottom.

As you can see, the buildings previously located in this area in the tan color were along the north side of the existing sanctuary with parking extending to the east. The revised site plan includes the buildings being wrapped more to the east and along the south of the existing sanctuary. A play area to the north, internal to the buildings, and parking around the facility instead of extending so far to the east. Another difference is that the site driveways, which included two driveways on the previous site plan, have been reduced to one at the alignment of Morning Vista and an emergency exit required for Fire Department south of that. It would be a compacted DG that would withstand the weight of a fire truck, but would not be available for vehicles on an everyday basis.

This gives you an indication of the particular buildings on the site. And their uses include the existing sanctuary obviously, a play area to the north, offices and classrooms on the south and the multi-purpose gym on the east in the orange color.

This gives you a little bit more detail. The ten classrooms, library, computer labs and so forth in the office building and the classroom buildings. The multi-purpose building has a 330 seat capacity with cafeteria, locker room and kitchen. There's a reconfigured parking area with most of the parking pushed more to the west and to the north. Student playground is located north of the buildings, as opposed to the potential for it to be east of the building., more adjacent to the existing residence and a landscaped area is included, which is 2-1/2 acres in size, particularly in a block to the east of the development here, east of the parking lot and over to 74th Street.

This gives you a comparison of some of the site characteristics of the original site as presented last year and the revised showing a reduction in all of the areas except for the square footage per student ratio, which given that the number of students has remained static and the amount of floor area has been reduced, the student ratio is going to be reduced as well. You can see the overall total facility that's being requested is reduced from 33,000 to 26,000. Office from 5,000 to 2,700 and so forth.

This gives you an indication of the amount of the reductions, and I won't go through those in detail but reductions in the 15 to 25 percent area in terms of the building sizes.

I'd like to talk for a few minutes about transportation issues. There was originally a transportation impact study that was done in August of 2003. It was the transportation study that was used in the analysis of the previous case last year. An update to the original study was initiated in July of 2004. It provided more current traffic counts and provided more information that became a part of the report that was presented in September. As a result of the interest in the site plan reconfiguration and the adjustment of the driveways, there was a third study that was initiated in March of this year. It was prepared through the TEMA process by an independent consultant, Morrison Marley and it addressed revised site plan characteristics, particularly peaking characteristics and trip generation characteristics. It updated the traffic count information again and looked to focus on some of those things that came out of the Planning Commission hearing in terms of concerns in September.

Some statistics related to adjacent roadways. Scottsdale Road currently has a capacity of 25,000 to 35,000 vehicles per day. Currently there is about 29,000 trip volume on Scottsdale Road. Obviously as more and more happens in Carefree, Cave Creek, north Scottsdale, there's going to be more traffic on Scottsdale Road. It's predicted that there's going to a 17 percent annual growth in vehicle trips, an estimate of 52,000 in 2010. In 2016, there are regional transportation funds available for roadway improvements. So no question that Scottsdale Road is anticipated to carry higher amounts of traffic.

Dixileta Drive is a capacity of 5,000 to 15,000 vehicles per day. It's currently at 2,820. So a little bit of excess capacity on Dixileta in terms of its carrying capacity. And the intersection of Scottsdale Road and Dixileta currently is signalized and is operating below its capacity.

Sonrise School. An expansion would indicate an increase of 729 daily trips, 320 of those in morning peak hour and 248 in evening peak hour. This is a worst-case scenario. This is factoring in the church and the school operations because there is, with 200 students, going to be a limitation on the number of cars that will be dropping off and picking up students at any one time. But we projected a scenario in which it would be a maximum utilization of the site. That represents a 2.5 increase in the volume of traffic along Scottsdale Road.

There is a joint access easement that's required between this property and the property to the north, which is owned by another church. The joint access would align with Morning Vista. And one of the recommendations of the traffic study is that at the time that it is warranted, that a signal be made available at that intersection to provide for safety in the turning movements in and out of the site. The traffic study also recommended that a modification that allowed access up to Dixileta directly through the property to the north would be an additional measure that would alleviate traffic. That has not been made available as an opportunity by the property owner to the north and it's not a part of the recommendation this evening.

Requirements for drainage and flood mitigation. Every development must provide studies which indicate an estimated discharge of the 100-year and other storm frequencies, flood levels for those frequencies, and demonstrate that no adverse impacts are created by the proposal that's being requested. In addition, they must also meet City, Code, and FEMA flood requirements. In the AO Alluvial Fan special flood hazard area, there are additional requirements that you be a foot above the flood elevation and requirements for the X flood zone. And we'll talk a little bit in a moment about where those are located. As a note, City, FEMA, State and County requirements all allow for development in the AO special flood hazard zone, as well as X and zone D, if adopted requirements and criteria are met.

This gives you a visualization of the flood zones throughout the community. The legend here indicates that the green area which you don't see very much of, is AE or regulated floodway. AO is in the blue. Zone D is in the pink color and X is in the yellow. The D

represents an undefined flood hazard and the X indicates a minimum to moderate flood hazard area.

This indicates with the shaded area and the blue star representing this site, the areas in which there is an AO designation within the City of Scottsdale. Now obviously, these continue to the west, but the line indicated by the black between the white and the gray is the Scottsdale boundary, so we only showed to the Scottsdale boundary, but you can see that this site is partially within the AO and partially within the X zone.

This gives you a little better indication, the blue being the AO zone, the yellow being X. AO you can develop if you have -- the AO zone is indicative of a depth of one foot of flooding, a velocity of 3 feet per second and it's based on a statistical approach to flood frequency. In the X zone, it's a depth of one foot or less.

This is representative of the Applicant's proposal to mitigate the requirements for maintaining a pre- and post-flood condition. There is site drainage that goes underneath the driveway in a pipe, as indicated in the orange. The light orange circles indicate an on-site retention area. And again, the darker indicates the AO zone and the light indicates the X. There are 33,600 cfs that are coming down this wash so it's an active wash. The Applicant has moved the buildings that were previously farther encroaching into the AO zone back, as a way to minimize the impact on the AO zone, but there is still a small portion and the sanctuary is actually in the AO zone, but there's a portion of the building immediately to the south that crosses over into the AO zone according to the mapped statistics.

The buildings in this zone, in order to be built in AO, must be flood-proofed and above the depth shown on the FIRM maps, the Flood Insurance Rate Maps. Special consideration for critical facilities that FEMA does not require have to be elevated and flood-proofed in the AO zone one foot above the depth shown on the FIRM and elevated or flood-proofed buildings in X are at or above flood levels.

Conclusions of the drainage study, and the study was done as an independent review of the Applicant's drainage report. An independent consultant commissioned by the City concurs with the developer's drainage report and recommendations regarding the 100-year estimated peak flow, flood level calculations, flood-proofing of buildings and permitting alluvial fan flow over the southwest corner of the site.

An analysis of these things if you take together the ordinance and code policies and other City documents and policies on development in this area, the neighborhood concerns, and also site issues that have been identified.

Regarding neighborhood concerns, the character and compliance with FO and ESLO is a concern. We understand that although the FO and the ESLO do not dictate land uses, there is a desire to maintain the desert character and those ordinances attempt to do that through development standards and not through land uses. So the massing of the building, the color, the materials that are used, the way the site is laid out, the parking

arrangement and so forth are all things that are part of maintaining that desert character, but not specifically related to allowing one use or another.

Traffic has also been a serious consideration for the neighbors and for staff as well, both in terms of delays and increased volumes along Scottsdale Road.

Drainage was a significant concern with the previous site plan and still remains a concern in terms of making sure that there are no negative impacts that are put onto people upstream or downstream. The Applicant has made an effort to get those buildings as far out of the AO zone as possible, with still maintaining a buffer to the east to the residential neighborhood.

And finally, maybe one of the biggest concerns that we've heard is the precedent for other private and charter schools of a similar nature to locate in the area, and the concern that approval of this use permit would be a precedent that would be applied automatically to other similar requests that come in the future. Relative to that, the use permit process is indicated as a way to attempt to identify where a particular use is appropriate and where it may not be appropriate. Those things are based upon traffic conditions, site conditions, buffering, parking, massing, and so forth. So if a use is appropriate in one set of circumstances, it doesn't necessarily mean it translates to all circumstances. And what we have advised people in the past, what our attorney's office is advising us, is that you and the City Council make a determination on whether a particular application is conforming to and meeting the use permit criteria. And with a different set of circumstances you can make a different determination.

To talk a moment about land use, the school is allowed as a conditional use permit in the R-170. The ESLO, FO, the school needs a use permit, but not the buildings. We had some concerns previously that were questions about whether or not if the school didn't locate here, whether the church could build buildings to have the same types of floor spaces for other uses related to the church, and I think the answer is yes. Those buildings could be built. A school could not be put in them without a use permit. So it's the school that's being regulated and not the location of the buildings.

Open space is proposed as a buffer to the residents to the north. A block of open space rather than having open space on the northern side of the building, although on the south side of the buildings there is some open space. The predominant amount of open space is to the east. The south driveway has been eliminated to create more open space and also to prevent turning movements in two different locations so closely together. Site plan has been modified to deal with -- whether successfully or not successfully is your determination -- the concerns that were expressed at the previous Planning Commission meeting and also the open houses. And we believe in our analysis that this conforms to the use permit criteria.

A shared driveway is required. A signal when it's warranted, is required. Just to be very honest, as a result of this project, traffic will increase on Scottsdale Road by the amount at or less than what is indicated in the traffic study. We're not attempting to indicate that

it won't increase. What we're saying in our analysis is that it's going to increase, regardless of whether or not this particular use is here, based on other development even outside of the City's boundaries. And at a 2.5 percent increase in volumes, we don't feel that it's statistically or operationally significant to affect the movement along Scottsdale Road.

In terms of drainage, the development is allowed in a special flood hazard area, AO zone, if the proposal meets the conditions that I mentioned previously, that no adverse impacts are created and that the buildings are flood-proofed or brought up out of the elevation of the flood zone. and these findings were verified by an independent review.

In 22 years of being in Planning, I've never seen a case that didn't have some negative impacts, and I've never seen a case that didn't have some redeeming values. So within that continuum every case seems to fall. And this is an instance in which there are legitimate policy issues raised as negatives. There are legitimate property value and policy issues that are raised as positive. We feel that on balance that the use permit criteria have been met and that this application should be approved. I'd be happy to answer any questions. I've got some experts here to talk about the transportation and drainage issues if you'd like.

CHAIRMAN GULINO: My preference would be to save all our questions probably for one period, but certainly if you have questions of staff at this point, ask them, or else we'll move on to the Applicant's presentation. Thank you very much, Mr. Grant.

MIKE ALLAN: Good evening, Mr. Chairman, Commissioners, City staff. My name is Mike Allan and I reside with my wife and six children at 29179 North 78th Street between Dixileta and Dynamite Road in the Foothills Overlay area. To give you a little background on myself, I'm president of a real estate investment company called Sherway Properties. I'm also Chairman of the loan committee and sit on the Board of Directors of Sunrise Bank of Arizona. No connection to this Sonrise at all, just a coincidence.

In addition, I am President of Paradise Valley Christian School, located at 24th Street and Cactus Road. This has definitely helped with the requirements for size of classrooms and administration buildings when determining the needs for 200 children. I was able to ask questions: why do you need more space than Paradise Valley Christian School, which currently houses 460 students? This certainly helped when downsizing the project and making the adjustments that we felt were appropriate after concerns from the neighborhood.

It gives me great pleasure to stand in front of you and present this wonderful project. I've been asked, why are you involved? That's easy. I'm not standing here as a paid consultant, but a volunteer to help expand Christian education, as I believe our kids are our future.

As I wasn't here or involved for the last meeting on September 29th, 2004, it's given me the opportunity to review numerous times the concerns of the Commissioners and the

neighbors about that project. I'm taking all of this into consideration, along with two public meetings to assist me in helping Sonrise put together a viable project and a solutions for all of the concerns. We have resubmitted a revised site plan to address all concerns of the Commissioners and the neighbors to the point of getting full recommended approval from your city staff. As we all know, you can't please everybody, but we can eliminate the health and safety issues that were brought out in the last meeting. We have a complete presentation that should alleviate any previous concerns about the application and answers any questions you may have.

The name of the school has been designated as Constitution Christian Academy. For those of you that are not familiar with the church, this is a picture of the church we have now and our front sign that we have. It's housed on Scottsdale Road.

This gives you a little bit of information about where the school is going. This is their vision. "Our mission, for the glory of God, is to provide students a Christian perspective of life and the world, from which comes a well-rounded personality and a correct acceptance and understanding of applying learning to life's challenges." The mission statement of the school, "To have a healthy, safe and academically excellent school campus where children and youth of all ages are equipped to function in the 21st century with a Christian world view."

This is our goals. "We will provide a scholarly, Christ-centered community, instilling Biblical values by nurturing spiritual growth; establish, assess, and achieve clear and measurable academic learning goals; recruit, develop, and retain quality Christian professional educators and staff; foster parental involvement and effective communication; model exemplary stewardship of our God-given resources."

This is the new site plan. And I brought it from two angles. One is what we have submitted to the City on the bottom, to the Planning and Zoning, and on the top this is the submittal a little clearer.

As you can see in the green area, that is the playground area. The tan is the new classroom and cafeteria. The red section is our administration, and the yellow is the family life center. We've looked at what site changes we needed to make from the last presentation to the impact that we've received from all of the neighborhood. We have removed the stage area in the family life center. That has been a large, controversial item. We have gone back to the church, looked at the requirements that the church needed and they are in agreement with removing that.

We have designated an area towards 74th Street that is approximately 2-1/2 acres NOAS. It's a buffer zone along 74th Street. That was put there for one reason, so that the residents along 74th Street can try to keep their same rural area that they've asked for and they've requested. It provides that the lot is as large. Being that the lots in that area are R-170, 70,000 square feet, this is in excess of a normal, standard lot would be on that side of the road.

We've relocated and enlarged the playground area. One of the concerns was, is that there was a noise factor potential from the playground being to the south part of the property to a couple of the residents. Moving that to the north side of the property has allowed us to utilize the buildings as a buffer to be able to assist us in preventing any noise factor that would fall onto the neighborhood area. It has also given us the opportunity, because we had a few concerns from neighbors that the playground area was not sufficient to be able to handle the number of children that we are looking to put on the property, the 200 count.

Removal of the classrooms from the AO hazard zone. One thing that I do need to mention to you are the charts that we've received and so forth is a little bit different than what City staff has said. The ones that we have received shows that the buildings are completely out of the AO zone, which is a slight variation from what the staff has presented to you a few minutes ago.

And then last but not least is the removal of all the traffic concerns. Many of you, as well as the neighborhood, has had concerns in regard to the ingress/egress coming out of the property, and to be able to make left turns and be able to go out onto Scottsdale Road. It is clear, and I'd like to read to you, after we've had three reviews now on the traffic study. All three of the reviews from the traffic study have been conclusive: Scottsdale Road has the capacity to handle the traffic flow of 729 cars coming in and out of the property, and that's the maximum amount per day that would come into that property. And it says, the last study, this is an independent study that we've received, the third one, which has been supported by the staff, "In the interim, without the development of the property to the north, the current access for Sonrise is acceptable with stop sign control." Meaning that they're in full compliance. They would not have any problem with ingress/egress or left turns entering or leaving the property.

And the last but not least of the site changes that we have made: reduction on the overall buildings, the new construction, by 21 percent. This particular slide is very similar to one of the ones that staff has brought. We've been able to go back, re-evaluate, make the determination, and I've been able to provide a lot of in-depth information in regard to what it takes to run a school, to be able to provide how much square footage you need for a Christian education, for not only the administrative buildings, the classrooms, the family life center, and that's where we've been able to make the adjustments. This has been in excess, right at 6,000-plus square feet, of 21 percent of the project.

This particular slide designates the schools and faith communities. This represents City of Scottsdale. As you can see, this is north of Deer Valley Road. There is only 6 public and 2 private schools north of Deer Valley Road. No Christian schools at all. The closest Christian school to this site is SCA, which is approximately 13-1/2 miles from this property. The Is designate the faith communities. And these are all the churches in the area.

One of the concerns that was brought up at the last meeting is, is there any children really in the area? Well, obviously there is. This is the Census Bureau from 2000. Obviously

we've seen growth in Arizona and throughout Scottsdale and other areas since 2000. But this clearly shows that in Scottsdale in zip code 85262, there's 826 children between the ages of 1 to 14. In Scottsdale in the other two zip codes, 4,340 children. In three other zip codes that are not in Scottsdale but are within a five to six mile radius of the proposed school, there's 13,609 children. We have learned that most parents are willing to drive their children five to six miles to school. This takes into consideration all the five zip codes.

This map here clearly shows -- and this is the one that we have a little bit of a slight variation from the staff -- that we believe that we moved the buildings completely out of the AO hazard zone. Even though on one side of the coin we believe that we should be able to build on that and it is appropriate to build on it, we wanted to make sure that we alleviated any concerns the staff, Commissioners, or any of the neighbors would have with this particular area, having the buildings there.

Traffic concerns: This is one of the big issues that some of you have talked about, specifically at the last meeting on September 29th. I have fortunately, or I could say unfortunately, been through that presentation six to eight times. A lot of you had concerns about the traffic. How was the ingress/egress going to be, coming in and out of the property? As you can see, in the traffic study that was the recent one that was provided, they have asked for a joint access drive which encompasses the property to the north. We have already received a letter of approval from the church to the north utilizing this land to be able to put the joint access drive in. They're agreeing to do so.

In addition to that, Sonrise is willing to move forward and if this is a concern still, even though we have three independent studies showing that it is acceptable for the traffic capacity on Scottsdale Road right now, we would be willing to move forward and ask the City to go forward with a traffic light immediately and we would even go to the point that we would sponsor 50 percent of that cost. The staff has estimated that the cost of doing so will be right at \$80,000, and Sonrise would be coming up with approximately \$40,000 to take care of that.

Another issue that came up in the last meeting: real estate values. What we did here, was we took a look at some of the buildings that are surrounding some recent schools in the area. You're all familiar with Foothills Academy. They've experienced approximately 18.5 percent increase in assessed values in that particular area. We all know, from the County Recorder's office that in most cases, property values there are estimated between 75 to 90 percent of what the real values are. Here's another school area, Eldorado Private School, 2624, North 76th Street. In that particular area, they experienced 12.5 percent. Not a decrease, an increase. Shepherd of the Desert, 9590 East Shea, 8.5% increase in this area. And going into the proposed area where Sonrise wants to put their school, we've seen 12.5 percent increase in this area.

I would like to take this time to summarize the Commissioners' and neighbors' concerns and how they were addressed. I will quickly go through the five major concerns.

Number one: Provide a buffer zone to our residential area to be left natural to preserve the character as a rural area. We have provided 2-1/2 acres on the east side of the property, on 74th Street, to accomplish this request. This should alleviate the concerns of the neighbors. Instead of even seeing a house, a patio, a driveway, this leaves the complete natural, as it is today. We relocated and enlarged the playground area. We have moved the playground area to the north side of the property, utilizing the buildings to buffer the neighborhood, as well as enlarged the playground area to make sure that we have enough room for our kids.

Drainage concerns: Wow, what a discussion last meeting. Yes, all the buildings are out of the AO zone. That is our belief. We designed the buildings and submitted last time. We believe we eliminated those concerns. We do have a responsibility to ensure the parents and the kids are in a totally safe environment.

Remove the traffic concerns. Yes, we sympathize about the traffic concerns. That's why Sonrise is willing to go the extra mile for health and safety to agree to spend \$40,000 additional to secure the well-being of our students, parents, neighbors, and church family. We would strongly support the traffic study's recommendation and install the traffic light immediately.

Site reduction: many neighbors asked why does this have to be so big? After careful review, we made the determination we were able to reduce the size by 21 percent. We feel that we have done everything that we could to be good neighbors and to accommodate their wishes. There are many different groups here tonight with a wide variety of interests. We have HOAs, that want no growth of any type other than residential. We have others that say "No more churches, we have too many." Others that say "We don't need schools in this area and there's not enough children." A lot of these answers we have found are not true.

Obviously I stand here in front of you supporting Christian education, not only as an attendee of Sonrise Community Church, or the president of another Christian School, but as a neighbor in our community. The question really is, did the Applicant fulfill all guidelines and ordinances established by all of you, City Council, and your City staff? The answer is yes, and that's why, as well as the above-listed reasons why I'm asking you to approve this application.

I thank you for your time and if you have any questions, I'd be glad to answer them.

CHAIRMAN GULINO: All right. Thank you, Mr. Allan. Does anyone have any questions of Mr. Allan? No? Okay, does that conclude your presentation?

MIKE ALLAN: Yes. The pastor's going to speak, Pastor Williams.

CHAIRMAN GULINO: Let me make an announcement: We have some cards trickling in. I'll let you know that we are not going to accept any more cards after we begin public testimony, which will begin as soon as the Applicant's presentation is done. So if there's

anybody here that would like to speak tonight, or wants to turn in a card even with just their written comments, the cards are at the staff table over here.

PASTOR JIM WILLIAMS: Mr. Chairman, Vice-Chairman, City Commissioners, staff, those interested parties here this evening: From the very inception of Sonrise Community Church, it's been our vision to have at least a 360-degrees of ministry possibilities within our church family. By 360 degrees, that means to us that only half a circle is the church building that we have now. Quoting to you from a pictorial directory that was printed in 2000, April -- some five years ago now -- the comment was made to our church family that we had received the Design Review Board's approval, not only for the building that we were in, but for the educational space immediately outside the front doors of our church of 6,000 square feet. And quoting it here is what we've said to our church family as part of the vision. "It is expressly targeted for nursery, pre-school elementary children. In addition, conceptual design is under way for the master plan of the newly acquired land, which is behind us, and we envision a gym, family life center and a Christian school and educational space."

Te key for us has always been having enough land to be able to that, and that's why, of course, that we purchased that property. Mike has gone through what our vision is: For the glory of God, to provide students a Christian perspective on life. You've seen what our mission is. It's to have a safe, healthy and academically excellent school where students of all ages are equipped to function in the 21st century. Our responsibility to the student body, those students that will come to our school, is to have a healthy and safe academically excellent school where their spiritual, intellectual, physical and social-emotional needs are being met. We believe those are the qualities that the doors of achievement swing upon and the hinges of that is a spiritual Christian world view.

From the perspective of community relations, apart from our vision and mission, I am very proud to stand here tonight and represent nearly 1,500 people, 712 residents of Scottsdale, who have signed petitions that are in favor of asking you to approve our proposal. These 712 Scottsdale residents, plus the others, of whom make up nearly 1,500 positive signatures, are all taken within closeness of the church of two to five mile radius.

For our good faith efforts in reaching out to those who have signed a different petition against our application, we have used every means at our disposal to try to employ good neighbor relationships with them. After the last meeting with you on September 29th, because of the dissidence of that particular meeting, we sought some help from the City of Scottsdale. We went to Molly Edwards and asked if there would be a possibility of mediation with this group who have signed the other petition, and the other group turned that and refused to meet with us at a mediation with Molly Edwards. We've had a public meeting with those who are opposed to the application in December of 2004 and we presented to them our adjusted plans, the same thing basically with some other changes that we have made tonight. And then at an open house on April 14th of this year. Sonrise has revised our plans three times, at considerable time and expense, from the first neighborhood meeting to the fifth neighborhood meeting, to minimize and contain any impacts from our neighbors, while making the school a better neighbor.

Finally, we've complied with all zoning without a request for variance or zoning change. We've had three traffic studies from professional consultants on traffic impact that approve the project. We've provided the required NAOS. We have located our building out of the AO Flood hazard area and provided ample retention. We've asked for no variances to the Foothills Overlay, thereby ensuring conformance to the standards of the FO ordinances. We have had no variances requested with the project for the ESLO overlay, because our project is consistent with the ESL overlay with no violations of the ESLO ordinances.

Relating to the use of the property for school and for a church as well, a 360 degrees of ministry: Sonrise has already begun to do this with our existing building. Since April of 2000, we've had over 23 concerts there with Christian artists, with probably anywhere from 400 to 500 people there. We've had over 17 performances of children's theaters for children. We have never had one complaint, nor have we had one concern from any neighbor of anything that was done during that particular time. So it's not as if we're going to suddenly start doing something. We've been doing this from the very beginning, out of the starting blocks.

My purpose in being here for you tonight is to ask for your recommendation of approval for the land use permit, and you have my assurance that we will continue to be open and responsive in the operation of our school with our neighbors.

CHAIRMAN GULINO: All right. Thank you very much.

Let's go ahead and start with our public testimony. Let me make a couple of comments before we get started. I think I speak for all the Commission, based on our previous discussions, that this case is about land use. So we're going to be very strict to make sure that the public testimony speaks to the case and land use issues. Also, potentially we have a lot of people here to speak. We ask that if you've got a card in to speak, and your issues have been made by a previous speaker, simply come up and just tell us you concur with those comments and leave it at that. We don't want to get into hearing the same thing over and over again, please.

And then also there is, obviously, the potential for a lot of emotion in this case. And I ask that you please do not get into jeering or clapping or booing or any of that. So far we've done really well with this case in the last couple of weeks as it's gotten closer to tonight. Everybody's been very professional. I want to try to keep it that way, please. I'd appreciate your cooperation on that.

Now, what we're going to do tonight, is we're going to limit pros and cons to 30 minutes. We're going to start with the opposition. And we're going to start with Mr. Tony Nelson.

TONY NELSON: Thank you, Chairman Gulino and members of the Commission. I'm here tonight to present very briefly the beginnings of the Sonrise Church. As president of the Desert Property Owner's Association and one of the authors of the Desert Foothills

Character Area and the Foothills Overlay, I met with members of the church and their design board, mainly about this statement. And this is right out of the Desert Foothills Design Guidelines.

"The architectural character of buildings should respect the traditional, at times rustic, character of buildings in the area. Some styles common to the area include western ranch, Pueblo, Santa Fe, and Mission." It's a very simple statement, and we tried to address environmentally sensitive issues, minimal visual impact to the desert. And this church community -- I shouldn't say the community -- the members of the church and the design committee essentially thumbed their nose at me, the community and ultimately the City of Scottsdale, when they planted that behemoth building on that site. And that leads to part of the problem tonight. It's too big a building for the site, and they don't have enough room to cram all their uses in there.

I truly wish I could be here and welcome them to the community. It's just too much on too little land. Now, you've heard some terms tonight both by staff and by the Applicant. And they were "adequate" and "acceptable." And those are not terms to be associated with the City of Scottsdale. Excellence is. Thank you.

CHAIRMAN GULINO: All right. Now we will go on to Mr. Graham Kettle.

GRAHAM KETTLE: Chairman Gulino, can I just clarify the position on the timing that we have, because I think in the communication I've had with you we said that in view of a lot of the issues that have arisen in the staff report, that we probably needed a little bit more than the 30 minutes. We have taken a lot of speakers out tonight to comply with that 30 minutes and so I'd like you to be just a little bit flexible and we'll do our very best to contain it to the 30 minutes.

CHAIRMAN GULINO: Sounds like a plan. Thank you.

GRAHAM KETTLE: My name is Graham Kettle and I live at 29651 North 74th Street.

Once again, along with my fellow-residents, we will demonstrate that this application does not satisfy the requirements for a conditional use permit. The burden of proof is on the Applicant to say that the development will not be materially detrimental to public health, safety or welfare; that there will not be damage or nuisance from noise, dust, odor or illumination, that there will not be impact on the surrounding area from an unusual volume of traffic; that the characteristics of the conditional use are reasonably compatible with the uses in the surrounding area. The Applicant have emphatically failed to demonstrate compliance with these basic ordinance requirements. The strategy the City has carefully developed for this area and which has been approved by the City Council, would be severely compromised if this development were allowed to proceed.

We will set out the factual arguments that characterize the entire plan as not meeting the spirit and the legal requirements of the City's regulations that are intended to protect neighborhoods from development that changes the entire character of an area. The reality

is that this application is now even worse than the one you voted down 6-1 last September.

I will say once again that this is solely a land use issue and that we are not anti-church or anti-schools. We say quite simply that however admirable this project may be, it is being built on the wrong piece of land in a community with the wrong demographics that neither needs nor wants these facilities.

What has happened since the last hearing, is that the opposition to the Sonrise development has increased substantially. And rather than what Mr. Grant had on his slide, we actually have, and you have in your packet, over 650 signatures on the petition. We now have nine homeowners' associations and two citizens groups voting to oppose this application. There were going to be eight homeowner association speakers here tonight, but you've asked us to limit our time, so you'll not be able to hear from them directly. But they are all here in the Kiva tonight and I do represent them. The residents of this area want to tell you that they consider their own property rights are being severely threatened by this application. And the big difference with our petition is that it's actually signed by hundreds and hundreds of people who actually live in the affected area. Now I've just heard a statement that said the Sonrise petition with 712 Scottsdale signatures was taken within a two to five mile radius of the site. If you analyze the 712 signatures, you will find that 80% live south of Bell Road.

Now, I received a letter after the September hearing and the writer referred so accurately to this application as being shrouded in secrecy and manipulation. And this is what we have seen again tonight and in the staff report. This application is very simply a proposal to put commercial ventures on low density residential land zoned R-170, ESLFO. And it is in non-compliance with so many aspects of City policy and regulations. The school and the event center are not extensions of the church. These proposed facilities are a business, plain and simple.

Chairman Gulino, you've asked us to focus on the changes and that is what I will endeavor to do. Let's start with the building density, where there's been a modest reduction. But if you actually pull together all the figures that have been in staff reports and project narratives, actually what you find is that last time they were asking for 45,633 square feet on this site, and tonight they're asking for 39,659. That's a 13 percent reduction, not the 21 percent that they try and make you believe. At nearly 40,000 square feet, this development is approximately three times the density of development on surrounding properties in the Foothills Overlay. At over 26,000 square feet, the proposed single building for the school gymnasium/event center breaches one of the main points in the Foothills Character Plan, which talks about buildings being low intensity, small in scale, similar to residential scale. In addition, architect's plans show the building measured versus existing grade and not natural grade, as the ordinance requires.

When the report talks about the classroom reducing from 11,000 square feet to 9,390, we're comparing apples and oranges. 11,000 last time included bathroom facilities, 9,390 doesn't. The real reduction is not 15 percent.

This report has been a smoke and mirrors presentation. It lacks credibility and it is designed to mislead and to try and sugarcoat a fundamentally non-compliant application. It was pointed out last time that the size of the school building was grossly excessive for 200 students, and on a like-for-like basis, it is still over 50 square feet per child. With the school and the events center, there is absolutely no change to the intensity of use on the site, a site that's going to run seven days a week, 15 hours a day, in total conflict with low-density residential surroundings. Proposed stipulations leave everything wide open for abuse. The density of buildings and intensity of use are as bad as they were last September.

The other changes are all negative. Instead of having the new development split into three buildings, they're all now compressed into one, in defiance of staff instructions of 9th of April, 2004, when massing of the building was highlighted as a major issue. They've also moved the 26,000 square foot building back closer to abutting residences, this time in defiance of their own comments in their project narrative for the September hearing, when they said they were moving the buildings to minimize impacts on abutting residences.

In fact, the new plan even pushes the parking lot closer to the nearest neighbor. The parking lot is not broken up into segments of 30 cars or less, as the character plan dictates. This new plan still has the buildings sitting partly on the AO zone, the special flood hazard area. In staff's own words, 'a major flood-prone area.' An area that section 37.17 confirms will be inundated by the hundred-year flood. So drainage remains a big issue, and there seems a lot of doubt about where is the AO zone? Well, when I look at it on the JMI plans, I actually see the AO zone going right through the two parts of the new building. I don't know why staff and the Applicant can't agree where it is.

The reality is that this site cannot accommodate this development. They bought the wrong piece of land. The third traffic study confirms conclusively in our opinion why this development cannot take place, because of the public safety issues. The contradictory assessments and conclusions of all three traffic studies are not even discussed in the staff report. The study also confirms how misleading information was presented to the Planning Commission last September, in terms of the historic growth and future growth on Scottsdale Road. Forecasts for future growth were given to you at less than 1 percent per annum. There is no explanation in the staff report why these numbers are now so different, because the real growth is 17 percent per annum. That's the actual growth since 1992. This is highly significant information and should not be ignored because it's not a safe environment to have school traffic exiting directly onto Scottsdale Road. And that is why the Foothills Academy was not allowed an exit onto Scottsdale Road. We have heard presentations tonight which suggest that this application is in full compliance. It is not. So I'll summarize once again the non-compliance with City policy and regulations that provide ample grounds for denial of this application.

The land use element vision statement. Let's look at a vision statement. Land use, because that's the issue. That's what we're here for.

"Our land uses must complement each other, visually, esthetically, socially and economically. We will avoid conflicting, damaging or other unwanted land uses from compromising the overall character of a site, a neighborhood or a community."

These are crucial words. This development is a conflicting, damaging and unwanted land use. We are talking about, not just the property rights of the Applicant, we are talking about the property rights of hundreds of households in the area. People purchase property expecting a low density rural lifestyle and for the character of the area to be upheld. There is non-compliance with the statement in the General Plan land use element that only a limited number of non-residential uses are permitted on residential land. In the staff report, the word "limited" is mysteriously omitted. We are already being asked to accept an excessive, not a limited number, of these facilities. These non-residential uses are not to serve the local community and they certainly do not sensitively integrate with existing low-density residences. The recently announced plans for expansion by the Lutheran church to the south have not been taken into account. I think you may have all seen that with the extra buildings that they have just advised the neighborhood about that they're thinking about. And you already know about the planned development on the property to the north.

So there is non-compliance with both ESLO and the Foothills Overlay for the very same reasons that I talked about last time and I won't repeat them. They're there for you to read. This development with massed buildings and 3 acres of blacktop parking lot does not comply with any of these six points. There is also non-compliance with the Scenic Corridor guidelines. There's non-compliance with the Scottsdale sensitive design program, the Desert Foothills Character Plan, and let's not forget those stipulations from back in 1998, which still have not been corrected. This is a very long list.

So the bottom line is that there is fundamental non-compliance with the conditional use permit ordinance. This development will be detrimental to public health, safety, and welfare, and the staff report fails to prove otherwise. There will be damage or nuisance from noise, both from traffic and outdoor activities. There will be damage or nuisance from dust, from cut-through traffic on 74th Street. Scottsdale PD in a meeting that we had with them twice, in fact, after the last hearing confirmed several things about the traffic cut-through on 74th, saw that as a real probability. Speed on Scottsdale Road they saw as a big problem. Turning left out of the site they saw as a big problem.

Dust on 74th mustn't be forgotten. There's going to be damage or nuisance from odor from the kitchen that's now appeared on the plans that wasn't there last time. That's not mentioned in the staff report. Damage or nuisance from illumination from this massed development in this dark-skies area. There will be a significant negative impact from an unusual volume of traffic. The trips per day are the equivalent of over 100 houses being built on that 9-acre lot, which is zoned for 4 houses only. That's a 25-fold increase, minimum. There's still a huge public safety issue from the school being located on a high-speed major arterial road, where the traffic study admits that 50 percent of the vehicles on Scottsdale Road exceed the 55-mile-an-hour speed limit, and whose accident

rate in that area continues to rise. Finally the characteristics of the development are in no way compatible with the surrounding area, because it is effectively commercial development in a rural equestrian neighborhood.

So the reasons for denial are even stronger than last time and I'll let my colleagues develop these points further. Thank you for giving me the time to speak. if you have any questions, I'll try and answer them.

CHAIRMAN GULINO: Mr. Kettle, if you go three documents back, we've been asked to have you put that back up on the Elmo.

Mr. Kettle displayed his list of ways the project was not in compliance with Foothills Overlay/ESLO.

CHAIRMAN GULINO: Commissioner Schwartz would like to get a copy of that, and your list.

HOWARD MYERS: Howard Myers, 6631 East Horned Owl Trail, Scottsdale. And this is actually a new one for me because this case does affect me. Most times, I'm down here on something that doesn't have a direct impact. And on the first sheet is some bullet points that I'll cover as I go through. However, there's one that I probably won't pick up later on, and that is there are no alternate routes to Scottsdale Road. When I first moved here, you'd always drive down the road seeing "special event, seek alternate route." Well, there aren't any. Pima and Tatum are the only other two north-south roads. Pima's two miles away. Tatum's a lot farther. There isn't any other road that goes north-south, and that's because the City has by their design not placed any there. They've ended Miller and Hayden which were the other major routes.

Traffic, of course, is the subject I've been given for better or worse. And it probably is one of the major issues. And we've gone through three traffic studies and we finally got one that is a little more indicative of what's going to happen on this site. And I don't quite understand why you have to go through three to get there, but it finally recognized many of the concerns that we were bringing up. A much higher volume of traffic was measured because they did it in March instead of May, and that makes a big difference. And it's more representative of traffic during the school year. It finally recognizes a real growth, not one percent but 17 percent. 17's probably a little high, but one was ridiculous. It considers other uses for the property to the north but it does not really take into account the other uses of the multi-purpose facility that Sonrise wants, or the Lutheran church to the south. And as you may know, they are expanding their facility as we speak. It also recognizes there are existing and future safety issues. However, staff kind of mitigated some of that by saying the traffic light wasn't necessary right away and all that. Actually the accident rate at Dixileta already equals or exceeds the City average, which is kind of saying something about that area. The level of service at Sonrise/Morning Vista intersection is already poor and predicted to be F without the school going in there, much less with the school. The traffic study recommend the traffic light for the Morning Vista church entrance, plus a cross access into Dixileta. Both are

required for the school to go in. It recommends lower speed limits on Scottsdale Road and suggests that you cannot have two accesses off of Scottsdale Road. It must just be one which is signalized.

A lot of this points out what I think are some severe weaknesses in the way the whole thing is done. The citizens actually had to complain about a lot of these things. Because the issue isn't the traffic counts per day or the traffic counts per year, or the capacity of the road. It's peak volumes and what happens to the safety issues during the peak volumes. That's really where the issue is, and it took a lot of talking to even have them look at that.

A school in particular generates very peaked volumes and furthermore they conflict with each other, because you're going in and out of the site at the same time. There are very few uses that actually do that. Most commercial uses, people come and go spread out during the day. It's not near as bad. Therefore schools clearly generate an unusual traffic pattern and character, which is, of course, one of the use permit criteria.

In addition, it doesn't take into consideration demographics. That is, this school is not really going to serve this community. It's going to serve other places and people are going to be coming from the south and from the west to the school and you'll see in some graphs I show later that actual traffic counts taken kind of justify that. There was also no attempt to take the existing traffic patterns at Foothills Academy and look at that and see what's actually happened there and take that into consideration for this site. Because there are similarities. Also in the initial pre-app hearing there was a statement in there that says "there are poor levels of service at the driveway predicted and may result in an inability to approve this project." We would tend to agree. The study also left some big issues out there that haven't really been solved. The school and event traffic will peak at the same time as existing traffic peaks and I have a graph back there to kind of demonstrate that.

This is the first one. This is southbound traffic. The blue line is north of Dixileta and the heavy red line is south of Dixileta. The little red boxes indicate when the school would be using the same kind of intersections at what times, both for the school coming and going and also when the events would occur. You know, there's two very distinct peaks there, and this is taken, this is the actual data that was in the report, I just took it and looked at it in 15-minute intervals instead of averaging it across an hour, which kind of spreads out the peaks. And you can see very distinct peaks, and that is because there are other schools on this road and people drive their kids back to school. That's a known thing and unfortunately this site is going to generate a lot more traffic at the exact same time that traffic is already being generated from other uses. Those are existing counts. We also have them for northbound. And as you might expect, people are coming home from work and going northbound, and that's why the evening looks a lot worse than the morning when you're going northbound.

The interesting one, however, is Dixileta, and they really did not look at the impact on Dixileta. These are existing counts. And notice the very steep peak there. That's

because the people coming southbound from the other schools are turning and going west, that's where the people and the kids are. Some of the lighter colored lines are Dixileta on the east side of Scottsdale Road and they're pretty consistent and pretty level, which means not many people are coming or going from that side to schools somewhere else. That kind of gets back to the whole things of demographics and whether or not there are kids in this area that will be served.

This one just kind of illustrates the real issue there and why a light will be necessary right away. We talked about this at the last one. Trying to make lefts in and out of there and on Morning Vista is damn near impossible as it is. And once the school traffic goes in there, it'll be really impossible because of those peaks that I showed you. It's all going to show up at the same time. And really a light is necessary, we think, and would agree with the traffic study. However, as you'll see further, we think it's a totally unacceptable solution.

The study also did not address the intersection to the south here, Bobwhite and Lutheran Church. It says its level of service is already F. It'll go to F minus minus, but since F is the lowest you can get to, it won't get any worse. Well the fact of the matter is, it's going to get a lot worse. And it'll get a lot worse with that light added, because now you'll have traffic backing up to that intersection, making it even more impossible for those people to get out. Now, why is Bobwhite so important? Because it's the only way in and out of Scottsdale Vista Estates. There are no other alternate routes or exits or places to enter and leave the site. They must come in and out of that particular site. Lutheran church is expanding, as we said and therefore that intersection will start to become more important.

The spacing of these lights: It is really against City policy to put lights that close, especially on a major road which is designated a highway, and there's a good reason for that. It stalls traffic. It's almost impossible to set the timing of those lights such that traffic can flow through smoothly, and as I said before, this is only one of two north-south routes in the entire city. In fact, it's the only one that actually goes all the way from the south to the north in the entire city, and we are proposing to put essentially a blockade there.

Besides being too close, we think it'll create gridlock at this situation, which I think it obviously will. It's only 600 feet from the light at Dixileta. In addition, the residents are vehemently opposed to this because they think it'll encourage cut-through traffic. People will go straight across into Morning Vista go out and get onto Dixileta and avoid the light at Dixileta. And that would be a major impact to Carriage Trails. Because right now there is nobody who wants to cut through there, because there's no need to. We also think that 74th Street will have a big impact. We'll get to that later. As I said, it makes left turns out of Bobwhite virtually impossible if that light goes in. It's difficult enough as it is, and it transfers all the burden. And of course this is one of the use permit criteria, transfers all the burden to the local community, Carriage Trails, Scottsdale Vista Estates and the Lutheran church. And of course it ruins the rural character, which you probably heard a lot about already.

The traffic study said, "well, maybe you can time the lights and do special things. Maybe you can only turn them on and off during the times they're actually being used."

Well, if you see the fact that they're having events and everything else going on, you can't turn them on and off. They actually had a fair amount of volume going on during the school time also. So you can't just decide you're going to turn this on and off only certain times of the day. And by the way, if you did, those are the peak traffic times and those are the times when you'd really want the light off anyway. Therefore we think the only solution is an unacceptable one. And by the way, that cross access agreement that they talked about as another thing that is necessary, not only is it a cross access agreement but it says it must come out aligned to the entrance to Trovia and this diagram kind of depicts that. That means it has to go right through the middle of the site. It says it has to be a straight through and come out aligned to the entrance to Trovia. I don't know if the Methodist church knows this, but that's going to severely limit how they can develop their property, and actually it'll make it more difficult if they want to do something like this in the future. Because the traffic will already be there, their property will be cut off and access.

And by the way, this impacts Dixileta again a lot more. And the study didn't go into that at all either. The bottom line is this use doesn't fit this site or the area it's located in, and no amount of compromise will make it any better. It basically is a square peg you're trying to pound into a small round hole. If it doesn't fit it isn't supposed to go there. I have a one-year-old granddaughter who figured that out already in these little games they have with the different shapes. She knows if the shape doesn't fit well you move it someplace else. You put it where it belongs. That is essentially what we're dealing with here.

Also you have had some other schools that have gone through. The Foothills Academy had to do all of the following things to get their permit approved, and they were all necessary: Installed a traffic light. That's why we're saying this one has to go there. The only difference is, their traffic light wasn't close to any other one, and it was also the entrance to the Summit, so it made sense from the City's standpoint to put a traffic light there anyway. That is not the case here. They had to install very long left-hand turn lanes and right-hand deceleration lanes, where you can't do that in this site, simply because you don't have the room. The proximity to Dixileta and another left-hand turn is too close. Therefore they must also enter and exit off of a side street, not Scottsdale Road. None of this is possible or practical with the Sonrise School.

Also the proposed Rancho Salado School that was going to go on Pima Road was denied for exactly the same reasons we are discussing tonight. They had a single access onto Pima. They had no other way they could go to a side street, they had no cross access agreement with their neighbor and therefore it was denied because of the traffic situation. Exactly the same situation as we're showing here.

So in summary, I'd just like to say that I'm happy to finally see a traffic study that we think is more representative, but even so, it was kind of manipulated in a way to make the

school look like it really fit when it really didn't. I mean, the study said "you really need a traffic light, you really need a cross access agreement." It was kind of manipulated to say "you really only need those if the northern site develops." Well, that's not true, and I hope you can see that by the traffic counts and stuff that I gave you. That light is going to be necessary right away, as is the cross access agreement.

We would hope also in the future that the City would rather, instead of going through three of these traffic studies, and the first two being totally useless, to consider all these things upfront and hopefully come up with better traffic studies and give you people much better information to make your decision.

And in conclusion, I think just the traffic situation alone is reason enough to deny this use permit. You will see on your slides, and I won't go over all of it, but there's a quote from the City's ordinance about use permit and what your consideration is and its impact on surrounding areas. Material detrimental to public health, safety, welfare, that sort of thing. You probably know all the words.

Well, the very high volume and peak volumes of traffic on this site and the drastic measures necessary which will totally destroy traffic flow on that road is kind of indicative of the fact that this doesn't fit the site. Thank you.

CHAIRMAN GULINO: All right. Thank you, Mr. Myers. I've got a quick question for you: If this site was on the corner of Dixileta and Scottsdale Road, would you have a different opinion? Again, let's just speak to traffic, since that's what most of your presentation focused on.

HOWARD MYERS: It makes it a lot different. Because they now don't need to put a light down at this entrance. You see, the light only 600 feet away, and this is why the City doesn't do this, it creates a gridlock situation and probably if you've traveled any of the 101 you can see that by the way some of those things are designed.

CHAIRMAN GULINO: I understand that. So you're saying that this site at the intersection of Dixileta and Dynamite, the traffic situation is tremendously improved, almost to the point where it's probably not an issue?

HOWARD MYERS: It's still an issue because of the impact it's going to have on Dixileta. If you looked at the graph I had on Dixileta on the east side, there was virtually no traffic flow and it was very consistent. And that's because that's a very rural area. That's this graph here. These light-colored lines are essentially on the east side of the road and what's going to happen when you put that site there is you're going to have a very defined peak just like that. And since it had to be right at Trovia you're going to impact them. So there'll be things to consider, but it certainly would be a lot different. And by the way, that's also going to make the Methodists, if they want to do a school there, it's going to make it a lot more difficult on them putting all this traffic there first and the light and everything else, so I would hope they consider that.

CHAIRMAN GULINO: Randy, maybe you can answer: Dixileta is what, a minor arterial or a major collector or something like that?

PAUL PORELL: Mr. Chairman, Paul Porell, Traffic Engineering Director. You're correct, it's a minor. It's a minor collector. And Scottsdale is a major arterial.

CHAIRMAN GULINO: And our ordinance requires that, is it schools or churches need to be on an arterial-grade street or something like that?

PAUL PORELL: Mr. Chairman, they do need to have frontage on a larger street, both churches and schools. That's a major collector or above.

CHAIRMAN GULINO: I guess my point is, we've got to have schools somewhere. So if not on Scottsdale Road, where?

HOWARD MYERS: You really don't want it on Scottsdale Road because of the safety issue to the kids as well. You really want it off of a major collector or some other relatively large street and that's why they typically go in more dense areas, also, more urban areas because they have those sort of things. They have divided streets that are big enough to intersect with that are not highways. Scottsdale Road is classified as a highway. They want to minimize not only signalized intersections, but intersections, period. They don't want any side street really coming into a highway except at a signalized intersection. And they want those signalized intersections to be at least a mile apart. I think they put half a mile in the new ordinance just to allow some freedom, but really it's a mile apart.

COMMISSIONER SCHWARTZ: I have one quick question for you. That last comment you made, what I heard was, I don't want to put words in your mouth, but you're suggesting that a school go in a more urban area so we'll take a more urban area, with a lot more traffic and then add a dense development like this? So that's okay, but it's not okay in a less-traveled area like the current proposal's location?

HOWARD MYERS: Well, first of all, the more urban area hopefully is handling the traffic better. That mean there are more alternate ways to get to some of these roads. If you look at the traffic patterns up here, there are no alternate ways. There's a lot of dirt roads, but most of them are abandoned before they get to a major road, like Dynamite. And therefore you can't go through on them anyplace. Most of the urban areas have a lot better traffic pattern, there are other ways to get to those roads and mitigate the traffic situation there. When you produced the problem on Scottsdale Road at Dixileta, there is no other place to go. You can't just go over a block or so and then go south again to avoid that intersection. Actually Lone Mountain pretty much cuts off everything going up there except Pima. So, you know, that's the difference. And also in an urban area, you have that serving the local community. I mean if you look at the demographics up here, the average age is 55 and above. There aren't too many people of that age with kids, although maybe nowadays that's changing. And if you look at the number of kids, and that's why I showed you the traffic east of Scottsdale Road and Dixileta is minimal

compared to what's on the west side and that's because there's hardly anybody living there. Whereas on the other side, especially going towards Phoenix and Tatum Ranch, Tatum Highlands, Deer Valley Ranch, very dense.

COMMISSIONER HEITEL: Just a follow-up on that discussion. Wasn't that going back to -- because I was involved, you were involved, certainly a lot of people in this room were involved with the Desert Foothills Overlay. Wasn't that one of the considerations and reasons that the language in the Foothills Overlay said that these non-residential, institutionalized uses should be limited in scope, because there was a recognition that there were minimal major arterials and it was obvious because it was happening at that time that these alternate routes, when you start dumping traffic onto these alternate routes, they become affected in a much greater degree and wasn't that really the thought process?

HOWARD MYERS: I think anytime you look at a much less densely populated area, you say, exactly what it says, limited number of these uses. And it also says that they recommend that something as intense as a school not abut very low density residential for that reason. I mean, people move up there to get away from all that stuff, and then you come and pound it right next to them. They kind of feel like they didn't accomplish their goal. It says all those things. The problem is, and I guess we've got to take some of the blame for it, we didn't put strong enough language in there to make it part of the overlay, so that there was something you can really hang your hat on, legally.

COMMISSIONER HEITEL: But isn't this also compounded because we're not really dealing with a single use, we're dealing with what I see as a convoluted attempt to accommodate three different uses side by side here. We're putting stop lights where we don't normally put stop lights. We're dumping traffic into Dixileta, we're creating a situation where 74th can be impacted.

HOWARD MYERS: 74th Street will definitely be impacted. And as I said in my handout, and I didn't say it up here, there was no solution offered for that. People are going to drop their kids off on 74th Street. There's a trail that leads right to the church, a public trail. That is going to be heavily used and it's a dirt road right now, which means it'll have to be paved because there'll be too much traffic on it and there goes that part of the rural profile. But while it's a traffic issue, it's also more of a character issue as well.

VICE CHAIR STEINBERG: Mr. Myers, I don't see any mention of bus traffic. And I have yet to see a school that doesn't have school busses in front of it, to and fro and also creating havoc on main streets like Scottsdale Road during peak hours when school busses will stop, pick people up and stop traffic in both directions. I don't see any queuing for school busses, I don't see any parking for school busses, I don't see any provisions for school busses. And I'm thinking of school busses, not only for school, but for special events, concerts, religious events, where masses of people might be coming here. Is that something you've not considered, or is that something that you think would be detrimental?

HOWARD MYERS: We haven't considered it because this kind of school is not going to generate bus traffic in general. A public school certainly will do that, because you have a lot of kids coming from exactly the same area. The bus will go around, pick them up and bring them. But typically these kind of schools, they're all driven individually or maybe two kids in a car if you happen to have two kids going to the school. But you'll find that almost in all cases they're driven. And that's why I said they should look at the Foothills Academy and see the traffic patterns that were generated for that, which is a very similar sort of use. And then they could make a judgment, exactly as you say, how much traffic is being generated? How do they drop their kids off and pick them up? And that would have been very applicable to this site as well.

COMMISSIONER SCHWARTZ: I have one more comment. It sounds to me from your previous statement that you would suggest that we should not have different diverse uses in north Scottsdale because it's not the place for those diverse uses, and suggest that rather those uses go into another part of our community to create longer drive times, or into more dense areas of the city to create more traffic in those areas.

HOWARD MYERS: Actually I'm suggesting that they be placed where the kids are so that the trips are a lot shorter and less. This is one of the major issues here, whether or not this school is going to serve this community. If it doesn't serve this community, you're bringing people from a lot farther distance, traveling more miles, over more roads to get to this school, as opposed to putting the school where the kids are going to come from. That's what makes sense to me, at least in land planning. Put the schools where the kids are. Don't put the schools five, ten miles away from where the kids are, because then you have to drive them to get there. I mean, they can actually walk. When I went to school, the schools were close enough where I could walk or take my bike. That ain't gonna happen here, not unless they want to bike five or ten miles.

FRED WECHSLER: Fred Wechsler. I live at 29551 North 74th Street, and I want to discuss the impact of the proposed school and event center on 74th Street and the quality of life there. First, I'd like to express my dismay over what I feel are several distortions in the process by which this application has occurred.

The Applicant has not listened to the concerns of neighbors. They have held public meetings because I believe there were required to, but they have never sought or integrated input from residents of the area. Rather they've presented their plans, telling us what they were going to do without sensitivity as to how their plans would change the character of the neighborhood or affect our lifestyles.

Their plan, as articulated at a recent public meeting, is not only to hold events at this center, but also to rent it out to other schools, businesses, or to hold concerts. Renting out such a facility is simply a for-profit business. The center in no way serves the residents of the neighborhood. It's a purely commercial revenue-generating venture that will disrupt the rural equestrian nature of our community, increasing traffic, noise, crowds and leaving lights on until late at night. I would also like to add that the Applicant cannot guarantee neighbors that events would close promptly at 10:00 at night, or that residents

would be protected from disturbances as attendees at these events are not likely to be from the local area, and may be insensitive to the community residents and their way of life.

The proposed school would have 200 students. And what would happen when the Applicant decides that it wants to have more than 200 students at the school? We are all too familiar with what happened at Desert Foothills Academy, a charter school on the corner of Scottsdale Road and Ashler Hills, both in terms of traffic problems, declining property values, and enrolment exceeding its conditional use permit, a violation which had to be brought to the attention of the City Council. And while property values may have increased slightly, the increase in the values did not keep up with the increases seen in areas where there weren't schools and event centers built.

As a resident of 74th Street, a single-lane dirt road, we are very concerned about the increased traffic use and also very concerned about the safety of traffic on Scottsdale Road, Dixileta and 74th Street. There's a huge potential for cars to drop off children at the back end of the church property and allow them to walk down the trail to the school. In either case, traffic on this single-lane dirt road would increase significantly. Part of why I bought a house there was because it was a single-lane dirt road and in a very rural area. Children not under the direction supervision of adults may be placed at risk of getting into mischief, disturbing the area, being the victim of a crime or an abduction, and even encountering dangerous wildlife living in the desert.

In closing, I'd like to say that this application does not satisfy the requirements of the conditional use permit ordinance; that the traffic problems, the high density use, as well as the potential disruption of a way of life that the City of Scottsdale website proposes to protect, make the plan for a school and an event center on this property untenable. I want to thank you for the opportunity to talk.

CHAIRMAN GULINO: All right, thank you, Mr. Wechsler.

BOB VAIRO: My name is Bob Vairo and I'm a Scottsdale resident. But more importantly, I'm here representing the Coalition of Pinnacle Peak with over 700 members who are vitally interested in this application that's before you this evening. To set the record straight: Right from the beginning here the Coalition has been opposed to the application. We are still opposed to it, and in the interest of time and moving on with the evening, I'm not going to dwell on the issues that were covered by the earlier speakers. Rather I'd like to talk about the fundamentals of the application before you this evening.

It is, and always has been, a land use application to determine whether or not the Applicant has met the conditional use permit criteria for a private school and an event center. I call it an event center. They've euphemistically called it several names in their application. But they are going to hold concerts there, and those events are going to draw people from all over Scottsdale, Phoenix and surrounding areas. And it's likely that they will, to answer the question that was asked, it's likely that they will use busses to bring people there and to take them away.

Importantly, and I'm sure you know this, but I think it ought to be underscored, it is not a church or religious issue. As such, the Commission should evaluate the same way as you would if Donald Trump was standing, or John Doe or John Jones, if they were the Applicant before you this evening and not the Sonrise Church. There is nothing that we know about that requires you to look at this application any other way. As you know, the City is prohibited from discriminating against religion, but it is not required to discriminate in favor of religion. To put it another way, you are not required to confer special benefits on religious institutions that are not equally available to others. Sonrise is entitled to the same treatment as any other applicant, not worse, but not better either. In short, if the City would deny a private school and event center application like this one in a residential zone, then it should also deny Sonrise's application for the same reasons under the City's established land use regulations. In another major important sense, this is a neighborhood issue. It's a quality of life issue. It's why we had the criteria and the conditional use permit that says, yes, we're going to allow these uses, but there's a hurdle that you to overcome because you want to protect the neighborhood. And that's what's been discussed here many times by the previous speakers. They talk about quality of life. They're talking about their neighborhood. And I think -- we think -- that's a major responsibility of the Planning Commission to make sure that those rights are safeguarded by you who represent us and ultimately the Council.

The residents in the area are not opposed to churches. As a matter of fact, many of the people here this evening bought or built their homes after the church was in place, the Lutheran church as well as the Sonrise church, including Mr. Kettle, who is leading this group and has spoken earlier this evening. What is at issue is whether or not a private school and events center meets the criteria enacted by the City Council to protect neighborhoods from unwarranted encroachment by certain land uses. And that's what the conditional use permit is all about and the criteria that underlies and implements that use. We also believe that the staff report has erred in its evaluation of recommendation for approval. That has been elaborated on by prior speakers and with which we concur. I found it somewhat specious reasoning by saying this is only going to increase traffic 2-1/2 percent on Scottsdale Road. This little application, this use, is going to increase traffic 2-1/2 percent. We know the Lutheran church next to it is going to expand. We know the Methodist church has every intention of putting a school, perhaps of larger proportion than what Sonrise is talking about, right next door. Certainly, they're going to increase the traffic if it's ever approved by another 2-1/2 percent each. If we keep multiplying these special uses in residential areas on major arterials, we're going to have the biggest traffic jam you've ever seen on the only road that we can use going up and down Scottsdale.

In all the years that the Coalition has been active, and that's going on nine years, I, as a founder and president over most of that time, have never witnessed such an outpouring of people so sincerely concerned about what it is before you this evening. I've never seen any group so well organized, so posed in reciting reasons why they're opposed, not emotional ones, they're concerned about what's happening to their neighborhood, their community. And again I keep underscoring this. It is a neighborhood issue and certainly

that has to be paramount in your thinking as to whether or not you're going to approve this application this evening. It would seem that all that's been said and all the concerns that have been spoken about earlier today would be enough to warrant denial and a denial recommendation to the City Council. But your responsibility tonight, as you know better than anyone, is to determine, to evaluate whether or not this application meets the conditional use permit criteria that you're well aware of. It's not because it's religious, it's not because it's a church, which was mentioned many times by the speakers representing Sonrise. We hope that you will do that this evening, but bottom line, we believe the application does not rise to that level, does not meet those criteria and we hope and urge you that this evening you will pass on a recommendation to the City Council to deny this application. Thank you.

CHAIRMAN GULINO: Thank you, Mr. Vairo.

LINDA WHITEHEAD: Linda Whitehead, 9681 East Chuckwagon Lane in Scottsdale. Next Tuesday, the Scottsdale City Council will hold a work study session, the purpose of which is to review and examine the processes by which applications make their way through the City's systems. Sonrise could be a case study for that review. It's an excellent example of process gone awry.

In my comments to you during your September hearing on this case, I told you how staff was willing to forego a written drainage report on a 78 cfs wash rerouting, and accept a verbal "everything's okay." I told you how at the neighbors' insistence, a drainage report was completed, a 600 foot discrepancy in the location of the flood plain was corrected, and proof was provided that if you had approved that site plan you would have approved putting a school building and 200 children in a hundred-year flood plain. At the time staff didn't agree the building was in the flood plain, but as you heard from them tonight, the revised site plan continues to have buildings located in the flood area. The Applicant says that isn't so. If the Applicant is saying that the FEMA flood zone, the FEMA map, is wrong and the buildings will not be in the flood plain, then the Applicant needs to apply for a letter of map revision to get FEMA to agree with that position. That's not been done. Flooding is still a major concern that has not been resolved. and that goes to the question of public health, safety and welfare. Additionally, natural wash preservation has been identified as the highest priority for site plan development under the current ESLO. That's not happening in this case.

The executive summary of the current traffic impact analysis has some verbiage that I'd like to call your attention to. It reads in part "The analyses indicate that an unsignalized access on Scottsdale Road at the Sonrise site, would experience significant delay causing a safety concern." It goes on, "with an unsignalized access on Scottsdale Road, additional accesses would be needed to mitigate traffic." However, the stipulations for the case require neither a traffic signal nor an additional access point. The report goes on to say "Several closely spaced accesses on a high volume high speed street such as Scottsdale Road produces a safety concern." Traffic is still an unresolved significant public health, safety and welfare concern. And as Howard Myers pointed out earlier, installing a traffic signal doesn't meet the City's guidelines. I'd also like to call your

attention to the first paragraph of attachment 6 in your report. It identifies certain site planning concerns, which it says need to be resolved at the time of Development Review Board approval. Those concerns, as I said to you last September, should not be left for DR to resolve. Those concerns go directly to the issue of public health, safety, and welfare and that is for and Council to decide. Site planning concerns have not been resolved. Drainage concerns have not been resolved. Traffic concerns have not been resolved. The burden is on the Applicant. It says this very clearly under the conditional use permit, 'the burden is on the Applicant to prove that the granting of a conditional use permit will not be materially detrimental to the public health, safety, or welfare.' They have failed that test and your recommendation should be for denial. Thank you.

CHAIRMAN GULINO: All right. Thank you, Ms. Whitehead.

JIM STRESS: Staff and Commissioners, my name is Jim Stress. I live at 29450 North 74th Street. I am in a unique position to talk about this development, because my wife and I own the closest property next to the Sonrise property. We purchased this property because we wanted to live in the desert, and in the belief that this area would be developed as a low density residential area where the rural equestrian lifestyle would be maintained. We purchased the property in full knowledge the two churches -- essentially low intensity operations six days out of seven -- were already there. We put our trust in the City to uphold their commitments and the land use settlement of the General Plan to only allow a limited number of non-residential uses of residential land. We expect the City staff to enforce the principle in the Desert Foothills Character Plan that states that "schools should not abut very low density residential properties." We expect the City staff to ensure that any buildings are low intensity, small in scale, and similar to residential scale. A 26,000 square foot high intensity building is not compatible with these requirements, and this plan places it much closer to my property than any of the other older plans. The parking lot is proposed to be closer to the northwest corner than any of the other previous plans.

The last 15 months has been very disruptive for the residents of this part of North Scottsdale. We are very thankful that so many hundreds of residents have supported our position to this development. It just highlights that we all share a common view about how this area should be developed, how our lifestyle should be protected and how the character of the area should be maintained. We are not asking for existing policies to be changed; we are simply asking for existing policies to be enforced. This proposal is an inappropriate land use and it does not satisfy the requirements of the conditional use permit ordinance. And as such, we ask that you deny it for the second time. Thank you for letting me speak.

CHAIRMAN GULINO: All right. thank you, Mr. Stress.

We've reset the clock, added the extra time to be fair. Hopefully you can do it quicker than 43 minutes.

NANCY WINSHIP: Hello. My name is Nancy Winship. I'm a Scottsdale native and I'm an educator for over 30 years. I am a mother and also a learning therapist. Currently I drive my children to the nearest Christian school, which is 25 miles in each direction, which is Scottsdale Christian Academy. I work at one of the nationally accredited independent schools and it is 50 miles in each direction.

I wanted to talk to you today about the classroom usage that children need, because we're not teaching any more the way we learned. And that I am thankful for. Children learn in many different ways, and they need space. But to work with our neighbors, we have decreased that class size. And I had examples of how we learn and how we teach multi-sensory ways.

But I want to kind of cut to the chase and correct some statements that have not been appropriate. Right now, first of all I'd like to address the plays. We've been having plays since Sunrise was built on this property. There's no fee for the plays. The church and the parishioners of the church are the ones that pay for the plays. The concerts that we have had over the years, and we've already been having them: again, the church, we went in the hole, people paid a minimal price for them, but the church and the parishioners, again, paid to give this advantage to our community.

A few other things I'd like to set the record straight. On land use, if we're talking about land use. It's my understanding we already have permission and zoning to build on this land, so again, I don't think what we've been talking about is the issue tonight. The issue is we already have that. We're already going to build on this site for the church use. Currently this week we had vacation Bible school. We had many non-parishioner children come to this vacation Bible school. Last year we had 100 students every day, for church use. But again, we would like to ask for school use.

The other thing is, if we look at the private schools in Scottsdale, many of them are located on Scottsdale Road already. We have the new JCC and we have King David School. That's in the center of Scottsdale. Out our way just north of Dixileta, we have a very inhabited area of new homes with big walls that often cause the area to flood. So we then have a one to two-acre ratio of homes in that area. When we're talking about that area, we're not also talking about Pinnacle Peak off of Pima. Very little of that will be affected.

The other thing I would like to add is, again, we don't have school busses, nor do we plan to have school busses. Many of us that would like to have our children attend the school already are driving on Scottsdale Road every day. And it won't add to traffic, it will be the same as we already have. Our children need this and our community needs this. We are an outreach to our community and I think we will serve the community well. The land usage as I see it isn't the issue here tonight, because we already have the authority to build. The issue is our children and having a school there and the schools in south Scottsdale have declining enrolment and public schools. The schools in north Scottsdale are overcrowded, and also in Cave Creek.

CHAIRMAN GULINO: Ms. Winship, I've got to ask you to wrap it up so your colleagues have some time.

NANCY WINSHIP: Anyways, bottom line is, we would like to ask you to please listen to these people that work with you and please grant us this permit to have a school. Thank you.

ANITA CARR: Hi. My name is Anita Carr and I am a member of Sonrise. I live at 66th and Lone Mountain in the vicinity of the church and the school that we hope we can build. I don't come here as a professional. I'm impressed by the people that are here. I'm just a mom and a grandma and I just came to give you a little bit of insight on land use in my perspective.

I have to go back, though, and tell you that I have to go back to the little six-year-old girl in first grade that was me that went to a parochial school and the school was located in a residential area with one small side street and one busy street on the other side. At that school, I learned the basics of life and I learned the love of God and my country, which I hope -- and they have -- served me all of my life. I honestly believe that we have schools now, many of them, but the children in our area need a safe haven, a place that they can call a good place to go, where they feel safe, where there are no guns, no drugs, no molestation.

I've heard about land use. I've heard of the wrong piece of land at the wrong time, I've heard of property rights. I've heard all you people say we've dealt in secrecy with a smoke and pony show, which we have not. We come here honestly to bring something to the future of America. And that is our children and I see none of them represented here tonight. So I hope I can make a little dent in that.

As far as speeding on Scottsdale Road, well, that speaks for itself. The rural equestrian lifestyle, I love it too, but I haven't been able to cross Scottsdale Road on a horse since 1984. Schools serving the area, we bus children into the schools at 60th and Deer Valley from Rio Verde and as far west, I understand, as Glendale. I can only tell you that we need a school that will have a solid and firm foundation to teach our children. A school that has, like the little seed in the paper cup, where the roots go down and the plant grows up, solid roots on solid ground to make solid citizens for both Scottsdale and America. What better use of land than investing in our future? And how could any neighborhood that helps children, how could that be a detriment for a neighborhood? Thank you.

KAYLA CADDELL: Hi, I'm Kayla Caddell and I'm an attendee of Sonrise as well as a neighbor. And I have to tell you that I am deeply moved by all the untruths that have been said here tonight. There is a need for this. In the September 29th meeting we had someone from the Homeowners' Association, from our Homeowners' Association, come in and tell you that there were only ten kids in our neighborhood. There's 40. There's 40 kids in our neighborhood, Scottsdale Vista Estates. And so just to find out the truth and dig a little deeper, we contacted the Homeowners Association and asked them how they

came to decide to vote against this. And it was five Board members. It had nothing to do with our residents, our 65 homeowners in the area.

So we went a little bit farther and we went over to Carriage Trails, and we asked them if they had been polled on their decision, and to their knowledge they had not voted on anything like that. It was strictly up to the Board. I believe that Carriage Trails member had quoted they had 19 children in their neighborhood. I don't know everyone in Carriage Trails, but I do know of 24 children that live on the street adjacent to me and adjacent to some of our friends that live there. It's a much larger development, and I know that the school busses pick up and drop off a lot of kids. So I definitely wanted to set the record straight on that.

In our subdivision, of the 40 children that live in our subdivision, my son is the only one that rides the school bus. All of the parents take their children to school, whether it be elementary school, whether it be middle school, or whether it be high school. There was one other girl that was at the bus stop, which by the way, our bus stops on Scottsdale Road, so talk about a mother's nightmare. You can probably understand why there's not more mothers that let their kids ride the bus, because they're afraid they'll get rear-ended. And we've seen many, many times where people just fly by those school busses and disregard. So this is a very frightening thing and I honestly don't think that, you know, worst-case scenario, 739 cars coming in and out, is very over-exaggerated for 200 people. I'm a mother of three. All three of my children would go there. My neighbors are here. We carpool. I mean, moms have other things to do besides tote their children back and forth and we definitely carpool.

I wanted to tell you another reason why we need, we definitely need a Christian school in our area. As you had seen on the map, there were no other Christian schools in our area. The closest one for me is about 14 to 15 miles away. My children go to the Cave Creek school district. The school was full. They had started doing -- it's been open for two years. They started putting extra classrooms out. They built another school and now they've got the enrolment down a little bit but they're still building like crazy up north, and it won't be long until our school fills up again and we'll be moving on. But let me tell you a couple of incidents that --

CHAIRMAN GULINO: Ms. Caddell, I need you to wrap it up.

KAYLA CADDELL: Okay. Real quickly, witchcraft. I was pregnant. I had a teacher come to tell me three different times while visiting her school that she would love to guess the sex of my baby. She was a practicing witch. Okay.

CHAIRMAN GULINO: We need to stay on land use, so --

KAYLA CADDELL: Land use. Definitely a school there. We need it. We definitely need it. There's a need for it, there's a need for a safe haven for our children. Talk about land use, the land use there. People have tennis courts in those 2-1/2 acre tracts. I don't know if you've been through there, done a site survey. There's multiple tennis courts,

there's people that have mowed down much of the land. There are horses accommodated that. There's been a permit that's been submitted for a 40- to 50-unit commercial horse stall in the area and --

CHAIRMAN GULINO: All right. Can you wrap that up, please? We need to save some time for some of your colleagues.

KAYLA CADDELL: I don't know what to tell you except that put yourself in our position, where we live. We enjoy the open land. We enjoy the neighborhood just as much as the other folks do. But I really think that the smoke and mirrors has come from the other side in trying to portray Sonrise and Jim Williams as something evil. He's not. He's a very blessed man and a great leader.

CHAIRMAN GULINO: Thank you.

PASQUALE BUONINCONTRI: Thank you, Mr. Chairman. My name is Pasquale Buonincontri. I'm here because I'm a father and a grandfather. But I have no children going to Sonrise. But I am a petitioner (sic) of Sonrise. And I always knew about moral fiber, integrity, and wisdom, but when I became a Christian four years ago, I knew that I didn't know it; and this is what Christian children are taught. I went to public school and I really had no moral fiber in public school, all right. I found it four years ago here in Sonrise. And I know that, well, you don't teach integrity in Christian school. It's part of being a Christian.

Before I continue you though I want to do one thing. I want to thank the Scottsdale administration team, because I believe they took a hit before and I think that they are of high moral fiber, competent, and of the highest integrity. If somebody doesn't make a mistake, you stand up and they'll tell you that you're not doing enough, because we all eventually will make a mistake. But I will tell you that that team does a great job.

Now, if I had a foil with me, I would take that foil and present my case the best way I knew how in my favor, okay? This team -- and the reason why you need them is because they are objective. They don't really care one way one or the other. But what they have to do is uphold the rules and regulations of Scottsdale, not make new ones. If the rules aren't correct, then you ought to change them, okay? But we've waited so long now, we're here today.

We know the rules. The Sonrise Christian Academy met all the requirements on the first one, all right. It scale down its proposal, it met all its requirements again. There are no new rules in place. There might be some next week or next month. The traffic study said it meets the requirements. The flood plan said it meets the requirements. The administration group said approve this project because it works. I think that if I was the boss of the team that I would ask questions and in the end, because I knew they were competent and solid, that I would approve their proposal. And I ask that you do the same thing. And let us approve the Sonrise Christian Academy going forward. Thank you.

CHAIRMAN GULINO: Thank you very much.

RICH ENDICOTT: Thank you, Mr. Chair. My name is Rich Endicott. I live at 27638 North 61st Place, Scottsdale and Dynamite primarily. Like many others that have come here this evening, I'm a professional. I live, work, my children, of which I have four, two of which would attend this school. I'm a banker with M&I Bank on the business and commercial side, so I'm very involved in what takes place in Scottsdale. I'm very interested in what takes place in Scottsdale and as I sat back and listened this evening to the discussion from the opposition, they made the point very clearly on several occasions that the burden of proof as it relates to this transaction taking place with the City, was on us. And I completely agree with them. It is on us.

So not to be too terribly redundant, and I'm going to give Mike most of my time so he can speak to these issues more clearly, but when we talk about traffic, we talk about drainage, we talk about the traffic signal, we talk about the issues that they feel are very compelling as to why we shouldn't have a school in this area that the staff here at Scottsdale, those that you have commissioned to conduct these studies and these outside agencies, all have found compelling reasons why this permit should be approved. And I find it interesting that the professionals that are involved in these transactions, that the City has hired, were engaged, all feel very confident that traffic is not an issue, drainage is not an issue.

So I guess I'm a little confused as to how we can address these issues on the personal level that they have been addressed and I know these people are speaking from their hearts, and God love them for that. But clearly the information, from a professional level, speaks in favor of this application, speaks in favor of what we're trying to accomplish here. And I want to thank you very much for your time.

CHAIRMAN GULINO: All right. Thank you.

LEE TANNENBAUM: Mr. Chairman and fellow Commissioners: My name is Lee Tannenbaum. I am not a member of Sunrise Community Church. However, I have attended a couple of meetings there. I'm amazed at the difficulty that the church is having with the City or the neighbors to receive the necessary permits and start construction of this Christian school. I have read a lot of the background material regarding development and consideration of the neighborhood, and it appears that the church has met all permit criteria.

I live a couple of blocks from a middle school and not far down the road and around the corner is a primary school and a high school. The size of the high school, they had 400 seniors graduate. This is a residential neighborhood. The kids walk, ride their bicycles, skateboard to school. Some parents drop off their children and pick them up. Other kids wait across the corner from my home for the bus. All of this activity takes place within 15 minutes in the morning and 15 minutes in the afternoon. 15 minutes is really not much time for this activity to acknowledge that these kids are getting an education. There has never been any trouble with the kids in the 35 years that I have lived there. As a matter of fact, I am grateful that this is an opportunity for these kids.

From some of the material, I have gathered that one of the obstacles for Sonrise is the neighbors. Let me make an opinion. You are fortunate that this is a Christian school. I have been at City Council meetings where the Council has approved licenses for as many as 15 to 25 liquor bars, just with a sweep of the hand. There are tattoo parlors and massage parlors all over this City.

Yet there is resistance to a Christian school.

I sincerely hope that this Planning Commission realizes and appreciates the total improved impact that a Christian school will have on this City. And, yes, on the neighborhood. I was very saddened by the anger and hostility tonight, because of a Christian school. Thank you for your time.

CHAIRMAN GULINO: All right. Thank you.

SKYLER COTA: Chairman, Vice Chairman and Commissioners, staff: Good evening. My name is Skyler Cota and I am a member of this community. I also have two young sons who will be attending the school. I am one of nearly 1,500 petitioners who have asked for this school to be put into place. And whenever you talk about use and land use and why this is a requirement for this community, I want to share my personal story and hopefully you'll understand that that also applies to many other people who are like me.

The need for the Constitution Christian Academy is great. Our culture and society is slipping, sliding down a slippery slope where the virtues of truth, justice, integrity, and social and personal responsibility are being replaced by situational ethics, entitlement mentality, consumption in all aspects of life, and selfishness. As a parent, I'm concerned. I'm concerned about the constant bombardment of negative messages that my children receive. I'm concerned about the path our culture is following. That is why this school is necessary to this community. There are others like me.

Constitution Christian Academy will be a place where faculty, parents and students can come together to teach and learn in a nurturing environment which will foster integrity, virtue, patriotism and honor. When you consider how much time children spend at a school on a daily basis, having a school which supports me as a parent in my endeavors is nothing short of a godsend.

I'm just going to quickly close. I'd like to express my appreciation for your service to our community. I thank God for each and every one of you. You have a difficult charge and I thank you for your courage. My sons will one day grow into young men. As they have children of their own and become fathers of virtue, my legacy will be born and continue. Their children, my grandchildren, will someday lead as you are leading right now. I pray they have the courage to lead well, to do right, even when it's difficult. You have a chance to contribute to that legacy and to the legacy of every parent this decision will affect. You have an opportunity to impact this community for greatness for generations

of sons and daughters. I pray you don't miss out on that. Thank you once more for your service and consideration of this matter. God bless you all.

CHAIRMAN GULINO: All right. Thank you.

DAVID DU PLOOY: My name is David Du Plooy. I reside at 7038 East Horned Owl Trail, Scottsdale, Arizona. That is Scottsdale Vista Estates, directly across from the church. I do not want to take up a lot of your time with statistics and numbers, but I do need to inform you that I am a member of the evil empire of young professionals that's bringing young children into the north Scottsdale community.

So as the father of a four-year-old, facing the selection of a Christian school, I can tell you that in the very least, it's been a very interesting and challenging endeavor thus far. Schools are over-crowded and over-populated. Waiting lists on private Christian schools are bursting and currently backed up anywhere between 12, 18 and 24 months, depending on where you go. To say the least, they're between 15 and 25 miles from my house, and my child will be attending this school.

As a church we have been working with our neighbors. We've been trying to meet every concern. We believe that we have reasonably addressed every concern. We believe that we have a right in this fine community that has an ever-growing number of children to have quality Christian education. The issue is not just a school, but a quality Christian school. As I'm sure you can all relate, I doubt that a 330-person multi-purpose room can really draw 2,000 -- maybe 20,000 people -- for a massive concert in the area that will drive in busses, populations, convention stands, so on and so forth. We're talking about a convention center of 330 capacity where kids can learn, can grow, can enjoy their families and can enjoy each other.

I'll leave you with just one thought: and I don't know if everyone can see that. That's my little girl up there. And it's a four-year-old girl that's been through some issues in her life. I really would like for her to not add to the traffic problem but walk across the street with her Mom to go to the church, as opposed to adding to traffic problems in other communities where they have to drive 15 or 25 miles to have my kid attend school.

Thank you very much for your time, for your service to the community and if I can just close, I'm also a Scottsdale businessman that adds to the Scottsdale population. My child will be a future leader of this country and will do the same. A quality Christian education will instill with her virtues, ethics and integrity.

CHAIRMAN GULINO: All right. Thank you.

JOSE DE SANTIAGO: Good evening. My name is Jose de Santiago. I live at 29625 North 48th Street. And I'm going to make this as quick as possible. We see the school as an asset to our neighborhood. All of us want to maintain the surrounding area as a quality residential neighborhood. The church has been very thoughtful in planning the school in response to the neighbors' concerns. Please grant us this permit.

CHAIRMAN GULINO: All right. Thank you very much.

PHIL ALBEN: Thank you. My name is Phil Alben. I am a member of Sunrise Community Church. I live at 4623 East Dale Lane, and I am a native of Arizona and have lived in Cave Creek for the past 12 years. I have seen some amazing growth in Phoenix and the outlying communities during the past ten to twelve years, and it does not appear it will slow down any time soon. With this growth, there are obvious needs and wants from the members of the community that must be met by the cities themselves, as well as public and private sectors of each community.

I feel that Sunrise Community Church is responding to the needs of not only its members but also those families that live in the Cave Creek and north Scottsdale area. I feel that the addition of a Christian school on the current church site will be an asset to the community and offer education choice that is not currently available in this area. There is no doubt that the north Scottsdale area will continue its rapid growth and the need for education choices will be sought by the members of this community. Sunrise Community church is responding to those needs. The redesign of our church plans as outlined previously by Mike Allan demonstrate the level of concern for the neighbors in the area and the concerns expressed by this Planning Commission during the previous hearing. Our plan does meet all of the criteria for the use permit and careful attention has been given to both the light and noise impact concerns.

In closing, I can attest to the values and impact that a school such as this can and does have on individuals within a community, as I myself attended a small private school for eight years. I ask that the members of the Scottsdale Planning Commission can approve our use permit request and recognize that this school would be a positive addition to the community in north Scottsdale. And an observation from this evening: it is somewhat disappointing to hear that the recommendations of the City of Scottsdale staff are held in such little regard by residents of Scottsdale. I would hope that the planning Commission relies on the hard work and expertise of their staff and recognize that all aspects of the use permit have been met. Thank you.

CHAIRMAN GULINO: All right. Thank you very much.

JEFF HILL: thank you, Mr. Chairman and Commissioners. My name is Jeff Hill. I live at 6638 East Azure Hills in Cave Creek. I stand here tonight as a church member of Sunrise church. I've been a member for about five years.

I can't really think of a whole lot that I can add that already hasn't been said, besides some just personal perspective on things that I can see that have happened in my life since I brought Jesus Christ into my life. About five years ago that happened to me, just like it happened to Pat. And it changed my life. I have a 19-year-old boy that I wish I had had the opportunity to bring him into a Christian environment. I wish I had known personally the gains and the benefits that happen from that environment. I didn't introduce him to it

soon enough, but he has accepted Jesus Christ into his life, and I believe now he's on the right path.

It is difficult being a parent. Almost every one of you in here are parents and you know the challenges that are involved with children. I just really ask you guys to look at the logical aspects of this. You have a large amount of kids that want to attend this school that right now are having to drive and, like our opponents have said, all the exposure and the traffic dangers. If they're driving 25 miles each way into town each day, look at the combined exposure that they have there as compared to driving five miles -- if it is five miles -- to Sonrise church. I just know the hearts of the people that I go to church with and all of them are good people. We all struggle. We all have issues in our lives that we need to contend with, and that's what a church brings to people. I just ask you to strongly consider the fact that all of our children need to have a place where they can go and be introduced to God and Jesus, and I thank you for your time.

CHAIRMAN GULINO: All right. Thank you.

MIKE CADDELL: My name's Mike Caddell and we live in Scottsdale Vista Estates, just across the street, 6948 East Horned Owl trail. In making this quick, we moved to the north Scottsdale area too for the beauty of it. At the same time, I can't be hypocritical and say, you know, I built a house in it. It is beautiful. I do have three kids.

When we moved here, our two older children went to a private school that we would have to travel ten miles to. That has since changed, where they are now in a public school. With your approval on this, on the use permit, we plan on having our kids attend the Sonrise school.

Getting to a couple of points quickly, the demographics: I know that some of the gentlemen from the HOA in Carriage Trails had brought out the average age and there's no kids. I believe that is changing. I know that in the September 2004, again, we have had a member from our Homeowners' Association claim that we had ten kids. We have ten kids actually on our street. I know that my neighbors, they drive several miles to take their kids to a private school. But I think, you know, we just need to do a little more due diligence and kind of looking into -- you know, it's changing. Any time a house is sold in our neighborhood, the family that's moving in are families with children.

And my last point is you know, with our HOA, I saw on the overhead here that nine of the surrounding HOAs voted down for the use permit, and I hadn't been asked. And this evening on my way home from work, I had caught our president and had asked him, "How is this that, you know, we voted this down?" And he's the one that had explained that it was the board of five, just the five people on our board. And I know that over the last five years that it's been very difficult to get any of our homeowners even to an annual meeting, let alone, so, thank you for your time and I would hope that you would approve this use.

CHAIRMAN GULINO: All right. We are going to close public testimony. We're going to take a quick break for about five minutes. We'll come back. The Applicant will have ten minutes to respond to some of the issues raised. And then we'll get into the Commissioners' discussion and do our best to conclude the hearing. Thank you.

(A recess ensued.)

CHAIRMAN GULINO: All right. Welcome back. Let's go ahead and get started again with our Applicant, Mr. Allan.

MIKE ALLAN: Thank you, Chairman and members of the Commission. I would like to make a few brief clarifications to some of the statements that were made earlier. One of the statements that was made was that there wasn't really a 21 percent reduction in the property. Yes, that is not true. We have made a 21 percent reduction from our last submittal to this submittal from the size of the new construction that we are submitting.

I also want to thank Mr. Kettle to bringing to my attention one thing that I did forget: Looking at the property as from Scottsdale Road to 74th Street, there is a major elevation change. From the area of where the property at the back part of the family life center to 74th Street, there is approximately 13.5 feet elevation going to the higher portion towards 74th Street. This means that any of the residents along 74th Street will only see the top approximately 10 to 11 feet of the building. As all of us are aware, there is a lot of property and a lot of homes in this north Scottsdale area that have elevations and heights that far exceed this 10 to 11 feet that the neighbors are concerned about.

It was also brought to our attention again that we have addressed in a stipulation on case 95-DR-98 that had not been completed. We have addressed this with City staff, we've asked them if they have concerns. We've asked them if there's any area that we have not complied with and they have said in every case, City of Scottsdale is satisfied with all areas of that completion.

We have also heard testimonies, confusing testimonies, about traffic reports and other items. The traffic, it's said that the traffic study does recommend a traffic light, will require access to Dixileta. It's not true. This traffic report that we just received, which is the third one, does not require that we put a traffic light or have access to Dixileta. In their recommendation, they're suggesting that in the event that there is new development to the north of the property currently, that at that time they would recommend that these changes occur. We welcome those changes now. We look to go the extra mile. We will support putting a traffic light in there now to provide the health and safety that we're looking for, for our children too.

There was also mentioned in regard to a trail. I live in the area. I live very close to two of the Commissioners here. I have horses. I ride the entire area. I also believe that I would not be riding a horse from 74th Street to Scottsdale Road if my life depended on it, because I would not want to go down Scottsdale Road with the traffic the way it goes today. We would agree, if that is the desire of this Commission, to eliminate that trail

along the north boundary of the property, if that is a concern that we would have children going through the dense desert area to be able to get to the school, or that parents would jeopardize their children by allowing them to get off on 74th Street and walk through that area.

There is not a question here in my opinion, that there is enough children in the area. That was on September 29th. That question was raised at that point. We've gone to the point. We've shown that there are children in these HOAs, there are children that are in these areas. There's over 4,000 children that reside in two zip codes in north Scottsdale. They want a school. and we also in addition to that, we have 79 children from parents that are involved or attendees or members of the church family that have already agreed that they will attend this Christian school.

This is strictly an opinion. but it's one that I think you all should pay close attention to. Feel free to ask the City staff their opinion on this issue. I believe a church, in my opinion, as designated here, has the right to build the buildings as long as they are ancillary to the church and the future of that congregation without the approval of this Commission. The only reason that Sunrise is here is not for the purpose of building these buildings, as much as it is for use permit. That is what they need to be able to look to be able to provide a Christian education for children, not only in their congregation but for other parents that have children in the surrounding areas.

I can tell you I feel blessed as a parent. I have had six children that have attended a Christian school. As a parent, I've been able to make the decision to have these children go to a Christian school, even though I've had to drive substantial distances to get there. I can tell you, as president of Paradise Valley Christian schools, we have parents because of the lack of Christian schools to the north and in the north Scottsdale area, that drive great distances -- to the point where we even actually have two families that drive one hour each way all the way from the Seven Springs area, which is substantially north of the City boundaries. It must be important for those families. They want Christian education for their children. They're trying to provide good solid educations and biblical backgrounds. Yes, Christian education is not for everybody. But they should have the choice. They have the choice to go to public school. they have the choice to be able to go to a Christian school if they so desire. This will provide the biblical values --

CHAIRMAN GULINO: Mr. Allan, as we've spoken before, this real issue is about a school, whether it be Christian or not. So I'd appreciate it if you'd keep your comments in your closing on target for that, please.

MIKE ALLAN: I believe in my opinion that we're talking about the use for a school and that this will provide a positive impact to your community. As we have looked to the City of Scottsdale to be a leader in Arizona and always has been, and that is one of the reasons I live in north Scottsdale, to the point where we ask you today to please continue to look to the future of our children and the direction of Scottsdale in supporting this application. Thank you.

CHAIRMAN GULINO: All right. Thank you, Mr. Allan. Now we will move on to the Commission with any questions and comments.

COMMISSIONER HESS: I can't say that I have any specific questions for any of the speakers individually. I am seriously troubled by the traffic issues. I think the interpretation of the traffic report is vague, spurious, and erroneous. 74th Street is a meandering dirt road. It will undoubtedly become a significant artery, whether there's a traffic light. Maybe the traffic light would encourage that. That will significantly change the character of the neighborhood. That is only one of the issues regarding traffic. I am not satisfied with the flood plain explanations at this point and I personally am not in a position to feel comfortable supporting this application. So that would be my comment at this moment.

COMMISSIONER HEITEL: This has certainly been a challenging issue. A lot of things have sort of come together and I want to maybe relay a little of my frustrations along with some of the challenges that I see with this case.

First of all, let me precede that by saying I've met with the Applicant since our last hearing, visited with him personally, talked to him on the phone, expressed my sincere support for virtually all private schools, faith-based schools. I'm a strong supporter of them. But I'm also, as I've indicated to him, I'm appointed to the Planning Commission for a different purpose, not to say just because I like something. There are certain rules and regulations, conditions, promises that have been made to citizens of this community for years and years and years in the form of overlays, zones, and so forth that we are essentially required to uphold. We also have specific conditions placed upon us with the use permit criteria.

Some of the other issues you raised tonight, probably are issues that the Council can choose, if they choose to, to override. But this is really a use permit issue. I have trouble with the site and the amount, the intensity of what is being proposed on the site. It's a very difficult site in conjunction with the property to the north. And we've effectively tied these properties, even though that property to the north is not built yet, if we're going to take a traffic analysis and take one portion of it and say "we accept it," and say "it allows this Applicant to put a stop sign on Scottsdale Road now with certain caveats," we also have to accept the other conditions and recommendations that are in that report. We can't just take that report, pick out the things we like and chose to ignore the things we don't.

The summary in that traffic analysis is absolutely clear that the Applicant is correct with one portion of what it says, but it's absolutely clear. Of the 14 analyses that the traffic study did, only one scenario of the 14 analyzed provides acceptable levels of service for the proposed Sonrise expansion and the possible land use of the adjacent property to the north. That is the joint use signalized intersection on Scottsdale Road 600 feet south of a major section line intersection and an access onto Dixileta Road, which according to their analysis is going to pick up maybe as much as 40 or 50 percent of the traffic being generated on those 30 acres. That is absolutely amazing and someday, if I live long

enough, I'd like to understand how that is an acceptable, that alone is acceptable, from the City's standpoint. We're going against stated policy in creating another signalized intersection. We're dumping traffic on a very rural street that only has two-plus thousand trips per day on it. And let me tell you, I'm sorry for taking so much time, Chairman and members, but this is a troubling issue to me and there's a lot of issues involved.

A number of years ago, Dixileta had a traffic problem, a traffic speeding problem, okay. 35 miles an hour was the speed limit at the time. And we had neighbors and everybody else express concerns to the City about the speeding and whatever, said "Go out and do traffic studies. There's a lot of speeding going on. There's some safety hazards going on." The City came back and said "You know, you guys are right. The average speed on Dixileta is 52 miles an hour." We said, "yeah, well, we made our point. What are you going to do about it?" The City's response was: "We're going to raise the speed limit." Which they did. That's how we mitigate speed in rural areas. We raise the speed limit.

So we're going to dump a bunch of traffic in an effort to accommodate three different potential school uses onto Dixileta Road, change the entire character of Dixileta Road, create two signalized intersections 600 feet south of each other and we're supposed to call that responsible planning? I can't go there.

This is a tough issue, also frustrating for me in a lot of ways, because we and some of the people in the community have seen this issue coming for a long time, since one of the other sort of classic cases that we saw here. We recognized that a lot of these non-residential institutional uses had only one opportunity to locate if they were going to locate in the north Scottsdale area, and that was that they were going to need to locate in the unsubdivided areas of north Scottsdale. And there has been request after request to clarify the limited use policy for non-institutional uses in rural areas for years now, to alleviate some of this consternation and mixed signals that go out to well-meaning Applicants. And the same that go out to well-meaning neighbors.

And I'm frustrated that we still have not had any meaningful discussion about that. At the same time, the City promises through overlays and other specific ordinances that it's going to protect these areas as character areas and low density uses and because of the unique character.

So we have a larger issue here that is creating a lot of this, this is why we've been dealing with this for probably 12 months. That all said, it's almost the inevitable result of a well-meaning school, a well-needed school coming side by side with two other well-meaning institutions. Two very well-needed churches may end up building schools next to them. But it becomes a traffic problem. It becomes a neighborhood issue and where do the citizens that have lived here and were made promises by the City, where do they stand with the promises that they were made? That's the difficulty I've got.

So let me just summarize. If we're to pretend that we respect our ordinances as they are written, and the Foothills Overlay Zone is a good example of that, approval in my mind of this application just will violate the spirit of that by what we are creating. Not the

school itself, it's the intensity of what is being created. We are joining this school with a joint use access to a ten-acre parcel and we are saying that we are going to do all these things because these two parcels are going to be constructed. At the end of the day, the people that live on 74th Street are going to be faced with the west side of 74th Street with no residential uses, but all institutional uses. That is not necessarily what I suspect they were expecting when they chose to live on those residential streets. So I'm challenged by this application. I can't find, as much as I support the use, I can't find it in myself to overlook the immense safety hazards and traffic hazards and nuisance hazards that are going to be created by traffic circulating all around this place and by this convoluted traffic scheme that's sort of been created. I've made a few notes here.

What does it do in the sense of the ordinance? And I'll wrap this up for everybody before they go to sleep here. It doesn't control the location or intensity of the development. We haven't seen a direct view of the back side of the main gymnasium. The main gymnasium is a solid, institutional-looking building with two major ingresses and egress doors leading out to the main parking lot. And the main parking lot is also the main turn-around for all of the queuing of all the traffic that comes in. So at 8:00 or 9:00 at night, when these activities are going on, as the Applicant indicated quite properly, the 13 feet above these homes that are supposedly looking out to the west, are going to have a very clear view and noise impact from an awful lot of traffic. All of that traffic activity, all of the people exiting that gymnasium and activity center come out to the back towards the residential portion of the property. It's very, very difficult. The building mass is not residential. Minimizing visual impact has not been addressed in my mind, but I think more importantly, we have a material detrimental effect to the public safety by this convoluted traffic management scheme. I think it will absolutely negatively impact the surrounding areas, by virtue of the volume of the traffic. And the characteristics of the proposed use are not reasonably compatible with the surrounding areas, as it really will effectively eliminate all other residences from the west side of 74th Street. So I too am not going to be able to support this, and I've indicated to Mike that I would help in any way I could, even though I couldn't support this application.

I know you are going to get your school. You're going to get it. It just may end up being in a location that may actually turn out to be a better location than the location you have now. There may be a better purpose down the road for what you're putting all these efforts into. So good luck and thank you for all your conversation.

VICE CHAIR STEINBERG: Before I make some comments I had a few questions of staff. Randy, I want to know how you determine the number of students that are allowed at the site. Is that based on the traffic impact mitigation analysis?

RANDY GRANT: Chairman Gulino, Vice Chair Steinberg, it's actually a number that was submitted with the application and we evaluate the traffic based on that request.

VICE CHAIR STEINBERG: And how is that enforced, the numbers?

RANDY GRANT: It is enforced, we have a stipulation in the packet that says the City has the right to audit and we've started putting things that are more aggressive in terms of enforcement. But observation, we can go out and ask to look at their enrolment forms.

VICE CHAIR STEINBERG: And is that done on a periodic basis? Is that every six months, every quarter? How is that accomplished?

RANDY GRANT: We don't do it routinely. We do it in response to questions, but we also look through the records of the Department of Economic Security and Department of Education. They have information on private schools that is available as a matter of public record.

VICE CHAIR STEINBERG: Could that number be augmented in the future? Could it increase beyond 200 students?

RANDY GRANT: Well, I suppose that they could enroll more students than that and if we got questions about it or if we had suspicions based on the amount of traffic, if there was an uncharacteristic spike in the amount of traffic and so forth, we would go out and determine whether or not they had exceeded the maximum. At which point it could be brought back to the City Council for revocation.

VICE CHAIR STEINBERG: Okay. The reason I ask is because, and this is the problem I had in the prior submission, it appears to me as an architect, that the spaces allocated for classrooms as well as for the multi-purpose space, is two to two and a half times norm. And I've looked at different architectural standards today. I looked at architectural graphic standards, which stipulates according to the UBC, and you're familiar with the Uniform Building Code, the space per student typically used today is about 20 square feet per student. And here we're seeing 50, close to 50, which is two and a half times. Do you have any reason why they need more space per student than the norm?

RANDY GRANT: I don't know, Vice Chair Steinberg, how exactly those calculations are done or whether they're using apples-to-apples comparisons. This does include the gym space and some non-classroom space. So I think typically the evaluation of a per-student ratio is based on the amount of classroom space. This does include some additional space that might not be included in other school facilities.

VICE CHAIR STEINBERG: And the impact in my opinion: the multi-purpose space, the gym, it's a large space. As of right, they can do that now without approval. It does not require a conditional use permit. So they can build that large structure, right now. The problems I see is in accommodating parking on site for large groups. And if you divide by the UBC stipulation or minimum requirement of 15 square feet per person for movable seating in a large space like an auditorium or a gym, you can accommodate by UBC standards within their space, 947 people in one gathering. Which, clearly, if two people came in one car, 450 cars, 460 cars, you'd have a traffic problem. Would that traffic problem, in your opinion, the parking problem and traffic-associated problems

then encroach on the NAOS or parking along Scottsdale Road? How would you accommodate such groups which are allowed as of right?

RANDY GRANT: Vice Chair Steinberg, first of all I think some of those gathering events are already happening. It's our understanding that there are evening uses, there are people that are coming into the sanctuary, and we evaluate sanctuaries based on one per four fixed seats. So it's very possible that you could have an event in the sanctuary that exceeds the parking capacity, but it keeps from building a lot of artificial parking that's only used once or twice a month. So it is a balance. It has to be some type of an average so that we're not building too little parking and forcing people to park elsewhere and we're not building way too much parking and creating paved spaces that are unused.

VICE CHAIR STEINBERG: Okay. Go back to the classrooms for just one quick second. If you go to the 9390 square feet of classroom space, and I could be off by square footage, but I think that's what was in the packet. If you divide that by the UBC square feet per pupil at the 20 square feet per pupil, that 9390 facility could accommodate, conceivably, 470 students. I know it's not going to happen, but it could accommodate more than 200 students. I don't know how we control this in this facility, other than saying "You've got to make it smaller, per UBC guidelines at 20 square feet per student." So this should be 4,000 square feet, not 9,390 square feet. I'm just confused at the size and scope and breadth and the density on this site. I think it's a great use. I don't think it's a great use in this location, but I think a Christian school, a private school, a parochial school, any religious school, is a wonderful thing. I'm not against that at all. I just think that at this location, they're putting on much too much density and I think there's something that I'm not reading, perhaps. Why these spaces are so big. They were big the first time, they're big this time.

RANDY GRANT: Vice Chair Steinberg, I understand on one hand your concerns. The other side of the coin is they could build these square footages of facilities, not have the school use, and it may appear that there is too much building for the church. But in actuality, churches typically have building square footages for offices or for gathering places that are not used most of the time. And so it's a little bit more difficult to evaluate a space when it's being used for a specialty use such as a Christmas event, a holiday event, an Easter event, whatever. There are just things that are going to occur there, as with any facility or school that are going to have events that have more people than you would expect. I think in this situation, to your parking question, the parking is segmented off from the natural area open space and with 2-1/2 acres I don't think we would see people parking on 74th and walking across the desert, particularly in the evening with very little lighting, as a way to circumvent the parking.

VICE CHAIR STEINBERG: Okay. Stipulation 4 mentioned "no large outside events." What does "large outside events" mean, in your opinion?

RANDY GRANT: Mr. Chairman, Mr. Vice Chair, you're talking about the multi-purpose facility stipulation?

VICE CHAIR STEINBERG: Yes.

RANDY GRANT: It's meaning that during normal school hours there cannot be an outside non-school function or church function in that facility, the multi-purpose building.

VICE CHAIR STEINBERG: Okay. You do define it as being large. Is there a gathering quantity?

RANDY GRANT: Yes, I think that it was in dealing with the fact that the church could use their multi-purpose facility separate from the school during school hours.

VICE CHAIR STEINBERG: Okay. But they can rent out that multi-purpose space 12 times a year, is it monthly? Or as much as they'd like to, any amount, any size capacity as long as it meets, I guess, Fire Code safeties from a point of view of capacity in that space? Which I think would be based on the UBC 15 square feet per person, conceivably as a max.

RANDY GRANT: Vice Chair Steinberg, I think when you talk about renting out a space, you're talking about a more commercial type of a use. These facilities are intended to be for the use of the church and if they sponsor an event or have an event, then it's considered ancillary to the church use. But if they start renting it out, if they start bringing in people that are having retail sales and that kind of thing, then obviously that's clearly over the line.

VICE CHAIR STEINBERG: Okay. Could I have a wedding there? Could I have a 900-person wedding in that multi-purpose facility, use the kitchen, rent it out and have a wedding, religious gathering and wedding?

RANDY GRANT: Vice Chairman, I think if you're a member of the church, then certainly you could.

VICE CHAIR STEINBERG: From a compatibility standpoint, and I'm looking at this and I'm playing devil's advocate, because I don't live far from here and I mentioned that I'm not against the use. I'm just concerned about the mitigation of traffic problems which exist right now. And I look at it from a compatibility standpoint. I think as Planning Commissioners, the planning process exists to serve the public interest, not one interest, but the public interest at large.

So that if you look at the context of where this is proposed, you see large-lot homes in a low density area, an open desert character, a very rural character, which has wonderful environmental features. The Foothills Overlay doesn't control land use, but its purpose, I think, is to minimize the impact of development and promote preservation of desert character, which I think we're not doing properly here. As does the ESLO ordinance, to preserve the natural desert character. The Desert Foothills Design Guidelines, likewise, focus on planning development and providing a common vision for the area.

I don't see this happening with a development where there's probably 2-1/2 to 3 acres of blacktop asphalt in lieu of desert, which you see in the top site plan. So you're taking off the desert and you're putting in a blacktop asphalt, which is probably the worst material to put in the desert. And to me that's not a very sensitive use in this specifically sensitive area, which has all the Foothills and ESLO requirements. In the context of what's around it, the large homes to the north, south and east, there's a church to the south and there's going to be a future church to the north. And across Scottsdale Road you have R-135 zoning with some wonderful homes here as well.

I don't see the traffic requirements answered. I know that we mentioned 729 cars. Doesn't seem like a lot, but I do think that once you add this, plus the expansion that's going to go on to the south and the new development to the north, it's going to be a real traffic issue down the road. I see a problem if we put a signal at this new intersection where there's a shared driveway, which is one-tenth of a mile from an existing signal. I don't know how that would work, functionally. I think it might be a real problem. I think exiting onto Scottsdale Road is a concern. I ride that road twice a day, 8:00 a.m., 7:00 in the evening and people are going 65 to 70 miles an hour. I don't know how anyone can make a left-hand turn going south leaving this church or the school to go south on Scottsdale Road without risking their life. There's been a number of deaths on Pima Road in the last year, people trying to make a left-hand turn. Same traffic conditions exist here. And they're only going to get worse, in my opinion, especially when you see major events happening here, which I think legally there could be major events happening.

The expectations of the neighborhood: I think that we're looking at an adverse impact on the quality of life. The people that bought homes in this area did not expect to see schools built adjacent to their properties.

Impact on the value of homes: I can't speak to that. I've only heard different opinions tonight, but I do think that if you have three schools in a row and you have major traffic impact in that area with a lot of cross traffic through some of these smaller rural streets, you will have adverse impact on the value of homes. And the noise, traffic, lighting, as a result of the non-school activities is a concern to me, as it is to the neighbors here as well.

If you look at the demographics, and I took a demographic analysis today to see who lives in this area. The median age, 2003, was 42 years of age. The projected median age in 2008 is 43.7 years of age. So the age group in this area is aging. If you look at the household summary, according to the 2000 census, two-person household comprised 49 percent of the area within 1, 3 and 5 miles. Four-person households, which is to me a family with children who would probably go to school, was only about 13.8 percent of the area. So I don't think the demographics support this use in this location. I like the use, but I think it's really out of context.

RANDY GRANT: Vice Chair Steinberg, I'm sorry, just to add one thing: I would advise you not to look at this use permit as representative of approvals for the south and the

north. Both of those properties would have to come through the same process. You might well find that a threshold had been exceeded with those and they not be approved. So I just wouldn't assume that we end up with three schools.

VICE CHAIR STEINBERG: But if we approve this, with levels of services that are marginal, or F, and if that marginal level of service is only heightened by additional schools, this is setting precedents for future development. I would assume that if we approve this, it will make it easier for the development to the north to get approval as well, especially in that they have two street frontages, Dixileta and Scottsdale Road. So we're paving the way for I think additional schools to be built to the north and an expansion to the south.

RANDY GRANT: Vice Chair Steinberg, just the fact that the property to the north has two street frontages would create a unique condition that this property doesn't have. I would not see this as a precedent at all. I mean, you can evaluate it however you'd like, but I don't think it would commit future Planning Commissions or future City Councils to approve a similar thing in a different situation.

COMMISSIONER SCHWARTZ: I have a few questions of staff first. Randy, can you tell us how many other schools, both public and private, have been built in the AO flood zone?

RANDY GRANT: We did an evaluation of the AO zones and there are six that are in the AO zone in the area.

COMMISSIONER SCHWARTZ: Question number two is: do you by chance have any topo here that can demonstrate the statement that there's a 13-foot difference in elevation from 74th Street to I believe it was -- and I'm not trying to put words in anyone's mouth -- to the back of the building?

KURT JONES: Mr. Chairman and Commissioner Schwartz, this is a graphic created by the Applicants, so I'm not going to state that it's entirely accurate. But I think we've looked on the topo from 74th Street. I'll blow this up for you to show you the numbers. It's approximately at 73.5 and as you go across the site it drops down to 63. And that's representative of this scale at the top. And again, I guess it's not, you can't even see the numbers. I apologize for that. It's a scale that's on the graphics that are attached to your report. Randy has a graphic that shows us at the east side of the property, northeast corner, it's 21.75. The finished grade at the east side of the multi-purpose facility is 63.

COMMISSIONER SCHWARTZ: So essentially, either the Planning Commission or Design Review Board could stipulate that trees be put along the eastern boundary of an area there so that the neighborhood to the east could not see any future buildings that would be constructed to the west? Almost like a hedge but with natural native trees to the environment.

KURT JONES: I don't know if native trees will grow to that height. They could. There is an open space between the parking and the multi-purpose facility that we could stipulate to plant mature trees.

COMMISSIONER SCHWARTZ: What was the thinking behind why the City would participate in the expense of the traffic signal at the entrance to the school/church?

RANDY GRANT: Mr. Chairman, Commissioner Schwartz, the City's thinking concerning the installation of a traffic signal, if it were to be warranted at the combined driveway, would be that 50 percent of the cost would be stipulated for the current Applicant, and 50 percent of the cost would be stipulated to a future Applicant for the property to the north.

COMMISSIONER SCHWARTZ: Is there any idea of the amount of commercial activity that has occurred, say north of Pinnacle Peak Road to Carefree Highway? Do you have an aerial that may demonstrate the amount of activity that has occurred of non-residential use on Scottsdale Road?

RANDY GRANT: On Scottsdale Road north of Pinnacle Peak you have basically the Summit development as being the most significant commercial. No other really non-residentials have developed along Scottsdale Road.

COMMISSIONER SCHWARTZ: Except for the other school, Foothills Academy.

RANDY GRANT: Correct, Foothills Academy is the other one. There is also El Pedrigal. There's also been a long-standing County approval of Lone Mountain and Scottsdale Road. There are a few other commercial projects.

COMMISSIONER SCHWARTZ: And there's a current application, correct, for a site?

RANDY GRANT: Yes, for the Lone Mountain site. And then there's an office development underway at the southeast corner of Westland and Scottsdale road.

COMMISSIONER SCHWARTZ: That's part of The Boulders, correct. Randy, if there was no school component to this application, what activities would the ordinance cover?

RANDY GRANT: Commissioner Schwartz, activities that are ancillary to the use of the church. And I think that would include the buildings that are shown on the site. It wouldn't include the school use, but I think the buildings could be considered ancillary to the church.

COMMISSIONER SCHWARTZ: So any activities that were ancillary to that church use. Okay. Tell us about the public school process. If the public school system came in and determined that this was a viable site for some sort of either elementary, middle school, or high school, what would the process be? And what could and couldn't they do as far as site planning on this site?

RANDY GRANT: Commissioner Schwartz, the process is different for public schools than private schools. Public schools, being a government entity, are allowed as a right. in the district. We've been very successful and very fortunate to work with school district that work with us through the Development Review Board process to address issues of design and site planning and so forth. But the review standard would be much different for a public school. They wouldn't be here discussing this tonight, and they're not required to.

COMMISSIONER SCHWARTZ: 74th Street: What can be done to help, other than a non-vehicular access easement, what else can be done along 74th Street to prevent people from using it as a short cut, as a place to park? I remember the last case, a number of issues that came up in the neighborhood about 'well, people are going to park there, kids are going to run across the desert, and that's going to be the easiest way for them to exit the school.' So what can be done to protect 74th Street's rural character?

RANDY GRANT: Commissioner Schwartz, Chairman Gulino, I think there are some things related to design. Notwithstanding, you might not want some of the solutions to occur, but you could fence off the area, you could wall off the area. And there are a lot of things that would provide a typical security scenario that might not be beneficial from a design standpoint. I think the realistic response is, I think with natural area open space and the change in typography and so on and so forth, I am not sure you're going to see people wanting to go over 2-1/2 acres and then climb back up that incline to utilize parking on a dirt road.

PAUL PORELL: From a traffic standpoint, we've run into these types of issues at many schools throughout our community. Traffic Engineering's response to these types of concerns are to post the adjacent roadways as no stopping, no standing, no parking. Basically, it allows the police department to enforce the posted ordinance that would not allow a vehicle to stop to discharge a passenger on the public right of way.

COMMISSIONER SCHWARTZ: Thank you. Randy, what can we do as a City to learn from this process by trying to make sure that when like types of people that buy properties with like similar uses, that we can limit the amount of activity within a distance of each other, so we don't find ourselves wrestling with what the future may bring on the parcel next door? That I'm the first guy in the door, but I suffer because of the future because the other guy might or might not do something. So I here have to make a decision based upon something I don't know. I have to put a crystal ball that says "Well, the church to the north may develop a school or they may not." But our current Applicants suffer based upon that. So what can we do to help prevent when these situations occur, the future Applicant coming back and trying to create more intensity on a site?

RANDY GRANT: Chairman Gulino, Commissioner Schwartz, a couple of things. First of all I think the nature of the conditional use permit process, going through a review like this, offers some protection to people that may have bought with a different

understanding of an adjacent property. The second is, you look at things that are related to design of the site. One of the things in the Foothills Overlay Design Guidelines, for example, there is a section on schools. And the section on schools indicates that there should be open space buffers between schools and adjacent uses. I think things like that, that can provide some distance, some separation, some transition are helpful. When a use is allowed by right in a district, such as a church is, I don't know how you provide comfort that it's not going to be located there. I think the design of it makes it the defining end result of whether or not it's going to be acceptable to the neighbors. When it is a conditional use, then there is this review process that's not required of a use by right. So I think there's some protection goes into that.

COMMISSIONER SCHWARTZ: So could we as a City look at passing an ordinance that would say that in no means, if we have a private school approved on a site that no other private school may be established within a distance from that previously approved school?

RANDY GRANT: Chairman Gulino, Commissioner Schwartz, I think we could look at that. There are some things that come into play about: is it any private school? Does that include a day care and so on and so forth? There'd be things that would have to be defined. I think there may be some legal issues involved there. We would need to do a review on that.

COMMISSIONER SCHWARTZ: I have a couple of questions for Graham. I want to thank you for all the time that you have spent on this process. I know you're very passionate about it and care about the protection of your own property and of your neighborhood. And you should be commended for the amount of time you spent on this process.

The site plans have evolved from a previous site plan dated September 29th, 2004 to the current plan. My question to you, Graham, is let's take the special use permit process out of the element right now. The Applicant is in here based upon their site plan. They're going to build the building and no schools. What would you do on this site plan to help mitigate ingress/egress, the access to 74th Street, building locations, and my point is that I want to address those key points, not the special use issues. The issues as it relates to what are the things that in the event that this Commission or the City Council would approve this project? What are things that might be done to help lessen the impact on you and your neighborhood?

GRAHAM KETTLE: This shows all three versions of the site plan. The top one is the one that started off last March. It's on a slightly bigger scale so it looks a little bigger than it actually is. That's the one you voted down last September, and this is the one we're looking at. So in terms of what's being proposed, we haven't really seen much change.

Now, the key issue here is that it's been said very clearly that irrespective of how many buildings you have on here, it's about the intensity of use on the site and whether the

traffic can be handled exiting onto Scottsdale Road, because obviously it is unacceptable for traffic to be exiting out onto 74th Street on a rural equestrian dirt road. So that area is blocked off before we even start. So this site is basically landlocked. It was, as I said earlier on, they have bought land which is not suitable for this purpose. And it's very unfortunate, and I said last time, and I'll say it again: It's an admirable project, but it's on the wrong piece of land.

COMMISSIONER SCHWARTZ: Graham, excuse me. I asked a certain question, okay, and if you don't mind, I'd like just an answer to the question. I understand there's other things that you might like to express, but I'd like an answer to that question. I'd like to know what things, if we were in front of the Design Review Board, and we were not talking about the school use, what would you do with this site plan to help mitigate the impact on your home? Because frankly, at least in my opinion, if they decide to go away with the school, they can come in with a site plan and go to Design Review Board and build these buildings. So the intensity of the buildings won't change. What can be done is that we may be able to take some of the useful items that you could articulate to us that are important to help mitigate those things.

GRAHAM KETTLE: If I understand your question correctly, what you're saying is you're taking the school out of the equation altogether?

COMMISSIONER SCHWARTZ: If the school is out of the equation, that's the question: if you were the school, what would you do with this site plan to mitigate the buffering to your property?

GRAHAM KETTLE: If the school were out of the equation, the large building, the 14,000 square foot building, would then be moved onto the front five acres of the land. The back five acres should be sold off. A residence should go on 74th Street with a 2-1/2 acre buffer, which would be exactly the same as the situation next to the Stress's property, which is the property which actually sits here. And by selling that land, that would provide funds to provide location for this school. Because they have ambition to build a high school as well. And I applaud that. But they don't have the space to do it, so all you can do, you take out the school and then you have a smaller building, which is exactly in the location where the unvegetated land still sits on that site, where they were going to put a 6,000 square foot Sunday school building back in 1998.

COMMISSIONER SCHWARTZ: All right. Thank you very much. Appreciate.

I think it does appear --maybe I'm wrong, because we haven't heard from everybody else -- that I have a different opinion than some of my constituents. I think that north Scottsdale is a changing place. I think although maybe our demographics show that there is a older population there, it's evolving into a younger population. I think that the traffic studies have proven that we can deal with the traffic issues in the area.

I think that if you look back in time at the request, the Jewish Community Center on Scottsdale Road and Sweetwater. All the neighbors said "It's too much of an urban area

and now you're adding in this, you know, intense development with a community center, with these schools, with these ballparks. It's not going to work." Well, the neighborhood all came together. They figured out a way to mitigate the issues and they're all living in harmony.

I think it's unfair for us to sit here and say that north Scottsdale is not a place for these types of uses to go. I think it is a very good and viable place for them to go, and it's up to us to help mitigate the issues so that the uses can work together in harmony.

I would be in favor of moving this forward, as long as a number of items were addressed. One, that the parking lot was constructed with a compressed decomposed granite so it wouldn't be taking away from the natural environment by putting asphalt down. The traffic mitigation plan be in place, that staff would work in with Mr. Kettle and his neighbors to help mitigate any traffic along 74th Street. I believe it should be the responsibility of the Applicant to pay for the light along Scottsdale Road. It should be put in now. And it should not wait for a future use to come in and that the school be required upon the first or second day or some days within the first regular session of their school to provide the City a copy of all the people that are registered in that school. And in the event they are over the limited amount, they will either have to reduce that number or their special use permit will be revoked. Thank you.

COMMISSIONER BARNETT: I actually have a couple of questions for the Applicant. I obviously wasn't a big fan of your project last time. But in the entire conversation tonight and the last Planning Commission meeting, we kept talking about intensity of use. And we're still talking about intensity of use. And you guys have primarily interpreted it as square footage and come back with another proposal for reduction of square footage. But I guess nobody's really asked you where you came up with the 200 students to start with. So where did you come up with 200 students, and why are we talking about 200 students and why are we not talking about 100 students or 50 students to start with?

PASTOR JIM WILLIAMS: Can I speak first to the density question? And it may seem a back door, but it isn't really. This is a dual-purpose building. As the staff said just a moment ago, on Sunday mornings we will have capacity utilization on all of this property without building any new building. We arrived at the number 200 as a way to -- in fact, we initially said 250. We initially said we wanted a high school. We found that we could not do that, so we gauged down to what we could have, and we anticipate we have already 79 students in our own congregation that would attend. And with a population of over 13,500 in our area, we need less than one percent of that population to be a part of that. And it gives us an opportunity to fulfill our mission. Our mission is not education primarily. It's advancing of the Christian world view. So it's got a 360-degree purpose. We've got a ministry purpose, and then we have an education purpose for that.

COMMISSIONER BARNETT: Okay. But I guess for the 200 people -- I mean we keep talking about intensity of service. I haven't heard you guys talk about reducing the number of students at all as an option. I haven't heard anything about the -- traffic obviously seems like the biggest problem now that we've talked about some of the other

issues. But I haven't heard anybody talk about staggering school times. We talked a little bit about bussing or coming up with some alternative system. And that's how I went to school and I think that's probably a viable option in a lot of different ways, of parking people in another area and bussing them in.

Doing a smaller school with only first through fourth grade or first through fifth grade: I haven't heard anybody talk about doing a different type of school or different size of school. It's always been a very rigid fix: 200 students from a couple of different school grades, and that was all that was on the table. Can you address if there's other option and has anybody talked about doing any of these other things?

MIKE ALLAN: I can tell you that we have learned a great deal at Paradise Valley Christian, and one of the areas that we've had to concentrate on also is traffic. We're located right there on the corner of 24th Street and Cactus Road. And we actually have gone to the point of staggering times for the lower grades versus the upper grades, to the point of five to ten minutes. Staggering alleviates the problems that we have derived in the past, as far as back-up and problems with the traffic onto the 24th Street exit.

Now to answer your other question that Commissioner Steinberg asked a while ago: The standard that I'm familiar with as far as educational standards that I've seen are, we're looking to try to set that standard about 25 square feet per child. That normally does not take into consideration hallways, bathrooms. We have a library, computer room. These type of ancillary assistant areas aren't a consideration for that. It's strictly classroom size. Hopefully that answers that question.

COMMISSIONER BARNETT: I guess so. Just along those same lines: Your current facility that you use right now, is it used primarily only on Sundays, or do you use it every single day of the week for some type of event? How is the current facility being utilized?

PASTOR JIM WILLIAMS: The current use of the building is used primarily on Sunday and Wednesdays, but we have a Girl Scout troop that meets there. We use it for a polling place for our area, so there are other kinds of things that are going on. We have some groups like AA that have met there and different kinds of groups that are meeting there. We will have Bible studies going on during the week as well there. And that's problematical. I mean, I couldn't tell you that we have a fixed schedule for five of the seven days a week, but we have Bible studies going on all the time, in and around the building area.

COMMISSIONER BARNETT: This is off-subject, but I'm just always wondering why an institution like yours, that is used primarily on the weekends doesn't have more flexible space, where you can use the facility, which is your largest expense, for other things?

PASTOR JIM WILLIAMS: Well, we do, Mr. Commissioner, we do. In fact, that's where we have held concerts, where we've held children's theater, and we've done that in

our sanctuary. It's not fixed seating. And that's what we have done and the growth of the church has allowed us to do that.

COMMISSIONER BARNETT: I guess I went back and looked at the comments that we made from the last time, and you guys have obviously taken in consideration a lot of the comments. I'm going to kind of go back with same comments that I made last time and the fact that we're trying to interpret a 40-year-old zoning code that's not very good and trying to put a large project, large commercial project for the lack of a better term, in a historically residential area in a residential zoning code. I don't think I'm still a very big fan of this. I've been trying to be as open-minded as possible. But when I'm looking at the space and I'm looking at the use in the area and I'm looking at other things that can go in there. Some of the other criteria that can go in there: they're all low density type projects. One of the other projects that can go in there is a care facility. And a care facility is obviously a commercial endeavor, but they set it up that the maximum limit is ten beds on a care facility. So that's a commercial endeavor that has a very low restriction, that has significantly less traffic than something that you guys are talking about. I understand that you can build other buildings here and you're doing other things, but --

PASTOR JIM WILLIAMS: Excuse me, can I address your commercial issue? Because we've bandied that word around tonight. That is impossible for Sonrise Church to be a commercial venture. We are a 501 (C)3. We are a non-profit organization. We cannot have more than \$25,000 in or to the benefit of the organization. We are not a for-profit organization. And therefore we cannot do commercial. We will not be renting out our facilities. We've made a statement to your staff that the facilities will not be rented. We are not commercial. I really want to clarify that. So we couldn't be compared to a care facility or to any other kind of for-profit institution. We are a 501 (C) 3, sir.

COMMISSIONER BARNETT: All right. Well, let's take the commercial term out then. Let's just use intensity of use. So a ten-bed care facility is a low intensity use. One house per five acres has low intensity of use.

Now, not even talking about the traffic issue, I guess I look at this area. This is the last scenic corridor that we have in the entire Phoenix Metro area. It's a designated scenic corridor. And in five years, in ten years, in fifteen years, if we just allow a whole lot of commercial development along there, there is no scenic corridor. It's in the Foothills Overlay, it's in ESLO, it's in all these other types of structures that we spent a lot of time trying to come up with some type of standard, some type of process, some type of method to control projects like yours.

And I'm usually a property rights guy. I usually like letting people do what they want to do with their property, but I have to agree with just about everybody here. I think you've got the wrong project on a nice piece of property. And it's a great project, but I think you should go somewhere else.

COMMISSIONER STEINKE: Well, first of all, for those who were here for the last two-day meeting last September, some familiar faces, I appreciate you being back here with the same passion, the same input attached. I was on the short end of that 6-1 vote that evening. And one of the reasons I was there is because I assigned certain value to the process, certain value to the City's recommendations and input and also value to the ordinances as they are written and the use itself. I won't back down at all from that decision that evening. I have a great amount of respect for staff and the processes that were followed and, in fact, have no problem in saying that in 30 years of public service, working with planning staff and people of similar nature, this is one of the best to work with that I've seen. So certainly I take nothing away from that.

However, when you're on the end of a 6-1 vote, you do tend to reflect on how you got there. And what I spent some time over the last few months doing, is watching. First of all I went back and re-read the minutes and really got a handle on what my colleagues here, the arguments they had for why they voted as they voted. And I hung that up where I could, in my mind, where I could follow that through.

Over the course of the eight months since, it seemed to me there was a couple of courses that could have been taken, the last eight months, that would have, if nothing else, served to make me feel stronger in that decision. One of those would have been, quite honestly, if instead of gathering up hundreds of names, thousands of names, legions of people who picked one side or the other, that a reasonably intense effort by a handful of people could have, in my view, come up with some of the ideas that you've heard from Commissioners up here, who in short order tonight have come up with at least some constructive questions and ideas. The last eight months, however, has been, there's a lot of effort been put into getting signatures and picking sides. And to me, that's not the constructive way to try to figure your way into a win-win situation: Win for the neighborhood, win for the church and so on.

Let me say also before I go any further that -- and I may have said this at the two-day meeting last September, but I am an absolute fan, a person who believes very much in the value of education. I have taught for ten years myself. I tutored as recently as couple of years ago. I spent a lot of time working with kids, parents, and all things considered educational. So no one should construe that my position is contrary to the need for education, be it public, private, or Christian.

I will say that the second thing that could have happened over that eight months that I feel perhaps was a chosen path, but in view of where I think I am tonight, and where I think perhaps some of my colleagues are, may or may not have been the right one: The path of trying to reach compliance to every obstacle that comes along the way. We look at the diagram up there and it became apparent that wherever there was an objection, the idea was to get compliance. And each objection, whether it be watershed issues, parking issues, traffic issues, was addressed as an obstacle that had to be overcome and compliance that had to be made.

Well, the problem with that, and the irony in that, is that in my view the project as it shows on the bottom of that screen this evening is somewhat of a shadow of the project that, quite honestly, is the one they wanted, which is the one of September 29th. And I think that when I combine that with the comments and what I see is genuinely interested people on both sides, not emotionally attached, but who are reasonable thinkers, who are saying that this is a too intense of a use for the space that we have there.

I believe that we haven't decreased the intensity, we've just confined it now into 21 percent less space. So you may see where this is heading, but to me, the progress that could have been made in eight months would have been building bridges with the neighbors, truly listening and trying to coordinate the efforts and at least jointly coming up with some common ground. And I don't feel that there's much of that that has happened.

The best case if we move ahead and it's approved is that I think we have lists of names of people who will be disappointed on one side or the other. And that's the best case. The worse case is that a project, this project in particular, will be divisive rather than cohesive, and that's not something I can attach my name to. And frankly, I see the wisdom of the ways and comments of some of my colleagues here. And while I would not go back and change that, because that's how I saw initially, I truly believe that the process again this time and the manifestation of just trying to make compliance the reason for why this has to go forward isn't a very strong one. It doesn't feel good to me and this time around I cannot support it. Thank you.

CHAIRMAN GULINO: Thank you, Commissioner. All right. I've got some questions regarding the traffic report. Who wants to address that? I'm a little concerned that as I read through what's in my packet, essentially within about two sentences we're talking about poor levels of service, which I believe were qualified as level D, not F. And then within a few sentences, it basically talks about left turns out onto Scottsdale Road, they have significant delays, which you can expect with an arterial, and then it goes on. It recommends the installation of a traffic signal at the intersection with the property to the north.

What I don't understand is why do we -- if I understood this correctly, we're going to wait until the property in the north develops before we put the traffic signal in. And yet we're saying it's not going to operate very well without the traffic signal. So I need a clarification on that. Where are we at?

PAUL PORELL: Mr. Chairman, the installation of a traffic signal is a two-edged sword. The installation of a traffic signal will, in cases where traffic signals are warranted, will reduce overall delays at intersections and make intersections safer. Where traffic signals are not warranted because the intersections do not have sufficient traffic to warrant their installation, it has been shown that installing a traffic signal will, in fact, increase delay, primarily for the main street at the intersection and will, in fact, increase by a significant factor the number of accidents that will occur at the intersection. So the installation of a traffic signal where warranted means that we need to the engineering studies and make

sure that the traffic that's generated by the adjacent development and the side streets warrant the installation of a signal. Otherwise, we're going to make the situation worse.

CHAIRMAN GULINO: Okay, so I guess what I'm hearing here is that the ingress and egress out of this site really does not work very well here, but if we wait long enough until the warrants are there we could put in a traffic signal and improve it.

PAUL PORELL: That is correct.

CHAIRMAN GULINO: Okay. That doesn't work for me. And really, for me on this case, you know, other than some concerns I do have about some of the data that Vice Chair Steinberg had touched on relative to ratios and classrooms to students, the others things raised, to me, do not -- I'm okay with everything except this whole issue of ingress and egress. And our ordinance clearly states that traffic is an issue we need to consider when we're considering a use permit. Let me back up a little bit.

Now, Scottsdale Road, there was some talk about Scottsdale Road's capacity and Dixileta's capacity, and we had a range up there that was like 10,000 trips. So I wonder whether we could narrow that down. I think Dixileta was running at a range of 5,000 to 15,000 and I assume that was trips per day. I mean essentially I'm trying to quantify or maybe try to justify my position. We're talking about 729 trips being generated by the school. To me that seems like a drop in the bucket compared to the type of traffic volumes we're looking at for either one of those roads.

RANDY GRANT: Mr. Chairman, the figures we gave in our report concerning the capacity of Scottsdale Road are basically figures that we use for the capacity of any four-lane arterial. Four through lanes on an arterial. There are significant factors that impact the operations of arterials, one of which are the geometric conditions of the roadway, whether the roadway is straight and has a vertical profile which is conducive to the posted speed limits.

CHAIRMAN GULINO: That's why we have a range in what you presented to us today?

RANDY GRANT: Correct. As far as Scottsdale Road in this particular location at this site, I would say that the capacity of the roadway was perhaps closer to the top of that range.

CHAIRMAN GULINO: All right. Well, I guess that's enough to make me feel good about the fact that increase in traffic on the roads themselves doesn't concern me. For me it boils down to ingress and egress, and unfortunately this property doesn't have an optimum location to put in something that'll help them there, in my opinion.

I just want to make a couple of points. I've heard some things here tonight that concern me a little bit. And I hope I'm wrong, I think I am. But it sounded like first of all, that maybe the Foothills Overlay area or the ESL area really isn't a place for schools. And I

don't agree with that. It sounded like maybe some of the reasoning behind that was because, well, schools should go where kids are. I definitely agree with that.

Then there was some talk about demographics. Well, maybe there's not really a lot of kids in this area. I haven't been presented with anything to make me think that there's not some demand for classroom space north of the CAP. So I think maybe in future cases, we might want to take that into consideration as to a location of a school and quantify or qualify whether or not this school is something that's going to draw from around the Valley, or if really it's more than likely to draw from its immediate vicinity.

Mr. Meyers talked about two or three miles to a school. Up there, that's probably not going to make sense, because our lots are bigger. So you're going to have, I think your draw area is just, by the nature of the zoning up there is going to have to go a lot farther than two or three miles. Maybe more like the ten miles that he referred to.

Just for the record too, I wanted to let the folks know that we had some cards from folks that did not care to speak tonight. We did have seven cards from people who did not want to speak that were in favor of the case, and we had 64 cards from people who opposed the case that didn't care to speak.

Maybe this is a rhetorical question, but in looking at what's going on here and considering the fact that we've got a property owner to the north that is the Methodist church, we've got an existing church only on the south side?

RANDY GRANT: A church with a pre-school.

CHAIRMAN GULINO: There was a letter attached to the cards that apparently they have sent out indicating they're trying to reach out to the neighbors. It sounds like they're planning on expanding their operation for their education. Obviously we have this case. Especially considering that we're talking about three churches here, does it make sense that maybe this could be approached from a campus perspective and all three properties be planned somewhat together so that maybe together it makes sense to make some of these things work? I don't think we have any leverage to force that, but you know, I mean, we've got some planners sitting down there on our board there. Is there any value to that, do you believe, after you've looked at this case for as long as you have?

RANDY GRANT: Chairman Gulino, members of the Commission, I think we've certainly suggested that in the past. And I think there have been difficulties with the coordination of that with three different property owners and all at different phases within where they might be as to when they might want to develop or come forward. The property to the north has indications of it, but no plans coming forward. The property to the south has certainly shown that, has the use permit for the pre-school.

And again, I think it's something that from a planning standpoint, we would agree we would always encourage adjoining properties to work together to the extent possible, but we are, as you've pointed out, not in the position of being able to require that. You've

seen some cooperation in the sense of the proposal on this northern driveway to gain some shared access at that point. But that's something that we'll continue to advocate for try to encourage. But again, there's only so far that we can go in being able to guarantee such a level of cooperation.

CHAIRMAN GULINO: All right. Quite frankly, my position is that other than that ingress and egress, I'm okay with it. But that to me is a deal-breaker. And for that reason alone, I can't support the use permit.

**COMMISSIONER HEITEL MOVED THAT CASE 7-UP-2004 BE DENIED.
COMMISSIONER STEINKE SECONDED THE MOTION. THE VOTE PASSED
6-1, WITH COMMISSIONER SCHWARTZ DISSENTING.**

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 9:17 p.m.